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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Case No. 1:19-cr-227
(LJV)

v.

September 12, 2024

JOSEPH BONGIOVANNI,

Defendant.

TRANSCRIPT EXCERPT - EXAMINATION OF CURTIS RYAN - DAY 3
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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MARILYN K. HALLIDAY, HSI Special Agent
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LAW CLERK:

REBECCA FABIAN IZZO, ESQ.

1 | COURT DEPUTY CLERK: COLLEEN M. DEMMA

2 **COURT REPORTER:** **ANN MEISSNER SAWYER, FCRR, RPR, CRR**
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* * * * *

09:11AM 8 (Excerpt commenced at 9:11 a.m.)

09:11AM 9 (Witness and Jury seated at 9:11 a.m.)

09:11AM 10 **THE COURT:** Good morning.

09:11AM 11 **JURORS:** Good morning.

09:11AM 12 **THE COURT:** You all look great in your blue and

09:12AM 13 white.

09:12AM 14 **JURORS:** Theme day.

09:12AM 15 **THE COURT:** The record will reflect that all our

09:12AM 16 jurors are present again.

09:12AM 17 I remind the witness that he's still under oath.

09:12AM 18 And, Mr. MacKay, you may continue.

09:12AM 19

09:12AM 20 **C U R T I S R Y A N**, having been previously duly called a

09:12AM 21 sworn, continued to testify as follows:

09:12AM 22

09:12AM 23 **(CONT'D) CROSS-EXAMINATION BY MR. MacKAY:**

09:12AM 24 Q. Good morning again, Agent Ryan.

09:12AM 25 A. Good morning.

09:12AM 1 Q. I just want to kind of recenter us and get us back on
09:12AM 2 track of what we were talking about yesterday.

09:12AM 3 You were one of the two lead investigators into
09:12AM 4 Mr. Bongiovanni, correct? With HSI?

09:12AM 5 A. Yes.

09:12AM 6 Q. Okay. That would be you and Agent Halliday, correct?

09:12AM 7 A. Yes.

09:12AM 8 Q. And then there was obviously an OIG component with Agents
09:12AM 9 Fusco and Carpenter, correct?

09:12AM 10 A. Yes.

09:12AM 11 Q. Okay. I think we discussed yesterday, when you sat
09:12AM 12 Mr. Bongiovanni down in June of 2019, one of the -- at least
09:12AM 13 part of the answer he gave to you for why he brought the
09:13AM 14 Serio file home was that he wanted to show that he did
09:13AM 15 legitimate work on the file, correct?

09:13AM 16 A. Yes.

09:13AM 17 Q. And you had testified that after that July 20th, 2018
09:13AM 18 date, you had tried to keep any investigation about
09:13AM 19 Mr. Bongiovanni in connection to Serio from Mr. Bongiovanni,
09:13AM 20 correct?

09:13AM 21 A. Yes.

09:13AM 22 Q. And we walked through, though, I showed you Government
09:13AM 23 Exhibit 26E that was a DARTS email about a month and a day
09:13AM 24 later that you caused to be generated, correct?

09:13AM 25 A. Yes.

09:13AM 1 Q. And we saw in there, if you recall, there's reference in
09:13AM 2 there to the Ron Serio drug-trafficking organization,
09:13AM 3 correct?

09:13AM 4 A. Yes.

09:13AM 5 Q. And the Ron Serio drug-trafficking organization was what
09:13AM 6 you understood Mr. Bongiovanni was investigating back in 2013
09:13AM 7 with the Wayne Anderson/Ron Serio file, correct?

09:13AM 8 A. Yes.

09:13AM 9 Q. Okay. And 100A, that's that Redweld you talked about,
09:13AM 10 correct?

09:13AM 11 A. Yes.

09:13AM 12 Q. You reviewed that, ultimately, prior to testifying here
09:14AM 13 today, correct?

09:14AM 14 A. Yes.

09:14AM 15 Q. As part of your investigation, you went through all the
09:14AM 16 documents, correct?

09:14AM 17 A. Yes.

09:14AM 18 Q. And part of that was you actually had to scan them in and
09:14AM 19 make them into a digital version, correct?

09:14AM 20 A. I didn't scan them all, but I helped with that, yes.

09:14AM 21 Q. Right, you were part of that process to ultimately
09:14AM 22 produce what we're going to go though as 100A.1, correct?

09:14AM 23 A. Yes.

09:14AM 24 Q. All right. Now, in your experience with -- as HSI agent
09:14AM 25 working over with the DEA, just remind the jury, working

09:14AM 1 files, is it fair to characterize them as sort of the agent's
09:14AM 2 personal collection of papers on a file while they're working
09:14AM 3 the file?

09:14AM 4 A. It's the documents that don't go to the official file in
09:14AM 5 the file room.

09:14AM 6 Q. Okay. Fair to characterize it's something like the
09:14AM 7 documents sort of immediately needed for the agent that they
09:14AM 8 might thumb through when they're working on the case?

09:14AM 9 A. Yes.

09:14AM 10 Q. It's kind of the quick reference to the file, maybe?

09:15AM 11 A. That's one reason to have those, yes.

09:15AM 12 Q. Right, yeah. I'm just kind of trying to paint the
09:15AM 13 picture, that the working file is something that the agent
09:15AM 14 has at their quick disposal so that they don't have to go to
09:15AM 15 the sort of master file to get the stuff out of every time,
09:15AM 16 correct?

09:15AM 17 A. Right.

09:15AM 18 Q. And ultimately, the agent, according to policy, should
09:15AM 19 put everything in the final master file, correct?

09:15AM 20 A. Yes.

09:15AM 21 Q. And at that time back in 2013, DEA was transitioning to
09:15AM 22 an electronic file system, correct?

09:15AM 23 A. I don't know, I wasn't there in 2013.

09:15AM 24 Q. No, when -- you came on board, again, when? At the DEA
09:15AM 25 as a task force officer.

09:15AM 1 A. Late '16, early '17, somewhere in there.

09:15AM 2 Q. By then, the -- the shared or master files were all
09:15AM 3 electronic?

09:15AM 4 A. No. There were still paper case files in the file room
09:15AM 5 then.

09:15AM 6 Q. Okay. So, fair to say it was still in transition working
09:15AM 7 its way from paper to electronic?

09:15AM 8 A. Yes.

09:15AM 9 Q. And then at some point in time after that, the files do
09:15AM 10 become fully electronic?

09:16AM 11 A. Not while I was there. I don't know.

09:16AM 12 Q. Okay. All right. So, I want to go through some of the
09:16AM 13 things in 100A.1.

09:16AM 14 **MR. MacKAY:** Ms. Champoux, can you pull up Government
09:16AM 15 Exhibit 100A.1?

09:16AM 16 Can we start with the 4-19-13 subscriber list PDF
09:16AM 17 right at the top?

09:16AM 18 And can we just rotate that, please?

09:16AM 19 **BY MR. MacKAY:**

09:16AM 20 Q. Okay. This is a subscriber list, correct?

09:16AM 21 A. Yes.

09:16AM 22 Q. Tell the jury again what this, what we're looking at
09:16AM 23 here, what one of these documents does?

09:16AM 24 A. I think this is a report from PenLink, that's what it
09:16AM 25 looks like to me. So, it's a list of the subscribers

09:16AM 1 identified in that subset of the data in PenLink.

09:16AM 2 Q. So, what I'm trying to get the jury to understand is how
09:17AM 3 do we get this list, how does somebody get this list
09:17AM 4 produced? Does it come from a phone number that's already
09:17AM 5 been generated somewhere? How do we wind up with this
09:17AM 6 document?

09:17AM 7 A. Subpoenas of all of these phone numbers for the
09:17AM 8 subscriber information.

09:17AM 9 Q. Okay. And in your experience, typically it's the intel
09:17AM 10 analyst who worked to produce the subpoenas and get the
09:17AM 11 subpoena returns back?

09:17AM 12 A. I always produced my own, but I know the intel analysts
09:17AM 13 often did it, as well.

09:17AM 14 Q. And obviously there's two parts of that. The subpoena
09:17AM 15 has to go out the door to get the information, correct?

09:17AM 16 A. Yes.

09:17AM 17 Q. And then the subpoena return comes back to the DEA with
09:17AM 18 raw data, correct?

09:17AM 19 A. Yes.

09:17AM 20 Q. And then that data has to be essentially parsed and
09:17AM 21 sorted into something, and is it fair to say that that's sort
09:17AM 22 of what was this something is that we're looking at?

09:17AM 23 A. Yes, it's a report from the something, which I think at
09:17AM 24 the time was a software called PenLink.

09:17AM 25 Q. Right. Yeah. Again, I know it's a little painful to

09:18AM 1 step through step by step, but I want to go through that, you
09:18AM 2 know, a subpoena goes out the door, information comes back,
09:18AM 3 it's put into a program that ultimately generates a report
09:18AM 4 like this, correct?

09:18AM 5 A. Yes.

09:18AM 6 Q. And in your experience, agents use this to sort of, for
09:18AM 7 example, find out what numbers are most calling a specific
09:18AM 8 number, correct?

09:18AM 9 A. Well, this one, the hot sheet is the what numbers most
09:18AM 10 called. This is more about who the people are that are
09:18AM 11 calling.

09:18AM 12 Q. Okay. Yeah, we'll get to one of those there. This is
09:18AM 13 just, usually this is organized by alphabetical list,
09:18AM 14 correct? Alphabetically by last name, it looks like,
09:18AM 15 correct?

09:18AM 16 A. Yes.

09:18AM 17 Q. So, what this list shows is for a specific number that
09:18AM 18 was subpoenaed, these are the numbers that are calling that
09:18AM 19 number, correct?

09:18AM 20 A. I don't --

09:18AM 21 Q. Interacting with that number?

09:18AM 22 A. I think this is all of the -- this is based on all of the
09:18AM 23 numbers that were subpoenaed in that case file. You'd have
09:18AM 24 to run a different report to figure out which numbers were
09:18AM 25 interacting with which.

09:19AM 1 Q. And what's that report?

09:19AM 2 A. It could be a hot list. Or you could query by the one
09:19AM 3 number that you're talking about, and then it would -- you
09:19AM 4 know, if you set the query up properly, it would return all
09:19AM 5 the numbers that talked to that number.

09:19AM 6 Q. Okay. And again, you said that oftentimes it's the --

09:19AM 7 well, not in your experience with what do you with your own
09:19AM 8 reports, but you know that a lot of times the analysts run
09:19AM 9 this actual, like, I think you said, PenLink software?

09:19AM 10 A. Yes.

09:19AM 11 Q. And then they produce the reports and turn them over to
09:19AM 12 the agents, correct?

09:19AM 13 A. Yes.

09:19AM 14 **MR. MacKAY:** Now, Ms. Champoux, can we pull up -- can
09:19AM 15 we take this down, and can we pull up the file 81513
09:19AM 16 electronic records, electric records?

09:19AM 17 Okay.

09:19AM 18 **BY MR. MacKAY:**

09:19AM 19 Q. Okay. All right. This is another document in the file;
09:19AM 20 fair to say?

09:19AM 21 A. Yes.

09:19AM 22 **MR. MacKAY:** And this -- can we go to, I think it's
09:19AM 23 page 2.

09:19AM 24 **BY MR. MacKAY:**

09:19AM 25 Q. Okay. This looks like a return for some sort of

09:20AM 1 information request regarding utilities at an address,
09:20AM 2 correct?

09:20AM 3 A. It's for electric from National Grid.

09:20AM 4 Q. Right. So, something -- so a request went out to
09:20AM 5 National Grid, and this is what came back regarding a
09:20AM 6 specific address, correct?

09:20AM 7 A. Yes.

09:20AM 8 Q. And in this specific document, it's the address of 1195
09:20AM 9 Hertel Avenue, correct?

09:20AM 10 A. Yes.

09:20AM 11 Q. And, you know, based on the name, it appears that the
09:20AM 12 person in whom the utilities are named is John Suppa,
09:20AM 13 correct?

09:20AM 14 A. Yes.

09:20AM 15 Q. And did you understand this 1195 Hertel Avenue in the
09:20AM 16 course of your investigation to have any significance?

09:20AM 17 A. There were several addresses that were controlled by Ron
09:20AM 18 Serio. I wasn't reinvestigating all of this, so this wasn't
09:20AM 19 all that important to me --

09:20AM 20 Q. Well, did you understand --

09:20AM 21 A. -- the actual address.

09:20AM 22 Q. Did you understand this address to come up in the
09:20AM 23 investigation at any point, this 1195 Hertel Avenue?

09:20AM 24 A. Which investigation?

09:21AM 25 Q. When you were reviewing the Wayne Anderson file, in

09:21AM 1 looking at what had been done back in 2013, and reviewing the
09:21AM 2 original investigation, did you understand this 1195 Hertel
09:21AM 3 Avenue address to come up?

09:21AM 4 A. I mean, I know it came up because it's here, I don't
09:21AM 5 remember anything else about it.

09:21AM 6 Q. Okay. And, so, you don't know whether they were
09:21AM 7 investigating this location as a grow location, correct?

09:21AM 8 A. I know they were investigating grow locations, I don't
09:21AM 9 remember the addresses.

09:21AM 10 Q. Okay. And subpoenaing utilities is one way agents can
09:21AM 11 investigate whether a location may be a grow location,
09:21AM 12 correct?

09:21AM 13 A. One way.

09:21AM 14 Q. Because they're looking for out of the ordinary
09:21AM 15 electronic usage, correct?

09:21AM 16 A. Yes.

09:21AM 17 **MR. MacKAY:** All right. Ms. Champoux, can we take
09:21AM 18 that down? Can we pull up the file 467 Tacoma, elec sub?

09:21AM 19 Can we zoom out a little bit, please?

09:22AM 20 **BY MR. MacKAY:**

09:22AM 21 Q. And this, for example, what we're looking at, this is a
09:22AM 22 subpoena for electric records, correct?

09:22AM 23 A. Yes.

09:22AM 24 Q. Okay. And it appears to be associated with this address,
09:22AM 25 467 Tacoma Avenue?

09:22AM 1 A. And also 469.

09:22AM 2 Q. And 469.

09:22AM 3 **MR. MacKAY:** Can we scroll down on that?

09:22AM 4 **BY MR. MacKAY:**

09:22AM 5 Q. Okay. It also appears in the same document to have
09:22AM 6 that -- there's a reference to this 132 Rhode Island Street?

09:22AM 7 A. Yes.

09:22AM 8 Q. Okay.

09:22AM 9 A. I don't know if that -- that could be something that I
09:22AM 10 caused, or shuffling of the papers caused, I don't
09:22AM 11 necessarily know that they go together.

09:22AM 12 Q. Okay. But you had said, you know, at least from what you
09:22AM 13 could see and what you knew about the Wayne Anderson
09:22AM 14 investigation, that there were some grow locations being
09:22AM 15 investigated, correct?

09:22AM 16 A. Yes.

09:22AM 17 **MR. MacKAY:** All right. Can we scroll down a little
09:22AM 18 further, Ms. Champoux?

09:22AM 19 **BY MR. MacKAY:**

09:22AM 20 Q. And again, here, I think we're on page 3 now, again, this
09:23AM 21 is a return for an electric subpoena, correct?

09:23AM 22 A. Yes.

09:23AM 23 Q. And it's just showing who properties might be associated
09:23AM 24 with, correct?

09:23AM 25 A. Yes.

09:23AM 1 **MR. MacKAY:** All right. Let's take that down,

09:23AM 2 Ms. Champoux, can we go to document that begins with a 561801?

09:23AM 3 That one right there.

09:23AM 4 **BY MR. MacKAY:**

09:23AM 5 Q. Okay. Now, this, I think you looked at this on direct,

09:23AM 6 this is what's called a hot sheet, correct?

09:23AM 7 A. Yes.

09:23AM 8 Q. This looks kind of similar to what we were looking at

09:23AM 9 before but it's a little bit different, correct?

09:23AM 10 A. It's different in that it's organized by the number of

09:23AM 11 times the number's been called from most times to least.

09:23AM 12 Q. Okay. So, it's circled up here and it's -- you can see

09:23AM 13 it says hot number list is what you're referring to as a hot

09:23AM 14 sheet, correct?

09:23AM 15 A. Yes.

09:23AM 16 Q. Okay. And this one appears to have been on

09:23AM 17 November 30th, 2012, correct?

09:24AM 18 A. Yes.

09:24AM 19 Q. Okay. Now, and the number, you knew that to be from your

09:24AM 20 investigation Tom Serio's number?

09:24AM 21 A. Yes.

09:24AM 22 Q. Okay. And again, I think you were directing everybody's

09:24AM 23 attention to the way this is organized. So if you look from

09:24AM 24 rows one down further, fair to say what you're telling us is

09:24AM 25 that this report organizes the numbers that called this

09:24AM 1 561-801-0221 number in order of who called the most and who
09:24AM 2 called the least, correct?

09:24AM 3 A. The calls both directions, but yes.

09:24AM 4 Q. Yes. So, so, what this report generates is looking at

09:24AM 5 all the calls both directions, in and out of that cell phone
09:24AM 6 number of Tom Serio's, and its ranking them by where the most

09:24AM 7 frequent to least frequent, correct?

09:24AM 8 A. Yes.

09:24AM 9 Q. Okay. And what's the investigative use for one of these
09:24AM 10 in an DEA investigation?

09:24AM 11 A. Well, this one to me looks like a starting point. And

09:25AM 12 then you have to make a decision about whether or not you're

09:25AM 13 going to subpoena all of these numbers in the tolls, or

09:25AM 14 select certain ones, prioritize the order you're going to do

09:25AM 15 the next round of subpoenas in.

09:25AM 16 Q. Okay. And you're talking about there's multiple rounds

09:25AM 17 of subpoenas. This hot sheet list, does this come after one

09:25AM 18 subpoena has already been sent out and information has come

09:25AM 19 back about phone numbers for -- connected to a specific phone

09:25AM 20 number?

09:25AM 21 A. To me, this looks like one of the first subpoenas done in
09:25AM 22 the file.

09:25AM 23 Q. Okay.

09:25AM 24 A. Because of the -- there are so many no subscriber

09:25AM 25 entries, if previous subpoenas had been done that identified

09:25AM 1 subscribers, some of those should populate.

09:25AM 2 Q. Yeah, I guess, so the question I have is the previous
09:25AM 3 document we looked at, that subscriber list, you send out a
09:25AM 4 subpoena in general to a number and you get back the
09:25AM 5 information about it, correct?

09:25AM 6 A. Yes.

09:25AM 7 Q. Now, what we saw before was the alphabetically organized
09:25AM 8 list, now we've got the hot sheet. Do those two reports get
09:26AM 9 generated at the same time, or is it sort of one after
09:26AM 10 another in practice?

09:26AM 11 A. The subscriber list filled in like that one was --

09:26AM 12 Q. Yes.

09:26AM 13 A. -- would have to come after several rounds of subpoenas.

09:26AM 14 Q. Okay. So, I mean, again, we're just kind of going
09:26AM 15 through it step by step. But the first stage is you've got
09:26AM 16 to figure out what numbers generally are calling or being
09:26AM 17 called by a number, correct?

09:26AM 18 A. Yes.

09:26AM 19 Q. So, that's the first round of subpoenas that goes out,
09:26AM 20 and you get back that information presumably in response to
09:26AM 21 the subpoena, correct?

09:26AM 22 A. Yes.

09:26AM 23 Q. And then what an agent might do then is produce that list
09:26AM 24 that we saw before that shows all of the numbers that call
09:26AM 25 it, correct?

09:26AM 1 A. Yes.

09:26AM 2 Q. Or -- or are being called by that number, correct?

09:26AM 3 A. Right.

09:26AM 4 Q. And then the next stage would be if there's a lot of no

09:26AM 5 subscribers, they would have to further subpoena who those

09:26AM 6 numbers are and figure out, like, I'm sorry, they would have

09:26AM 7 to subpoena those numbers to figure out who the actual

09:26AM 8 subscriber is, correct?

09:26AM 9 A. Right.

09:26AM 10 Q. So, if we look at this report dated 11/30/2012, and we'll

09:27AM 11 just take for example row number 2, there's a number, but

09:27AM 12 there's no subscriber; fair to say?

09:27AM 13 A. Yes.

09:27AM 14 Q. So, what this says is that in November of 2012, whoever's

09:27AM 15 viewing this report knows that this 533-6338 number called

09:27AM 16 Tom Serio's number, but they don't know who it is, correct?

09:27AM 17 A. Right.

09:27AM 18 Q. Because they, you know, it says no subscriber, so --

09:27AM 19 correct?

09:27AM 20 **MR. TRIPI:** Objection as to what someone else knows,

09:27AM 21 and who are "they."

09:27AM 22 **THE COURT:** No.

09:27AM 23 **MR. TRIPI:** Speculative, Judge.

09:27AM 24 **THE COURT:** I understand what you're saying,

09:27AM 25 Mr. Tripi, but no, I think it's a fair question.

09:27AM

1 BY MR. MacKAY:

2 Q. All right. So, somebody viewing this would not know
3 the -- who that 533 number is associated with because the
4 report is saying no subscriber, correct?

5 A. Unless they already knew the number, right, the report
6 doesn't tell you.

7 Q. Right. But this report alone just says no subscriber,
8 correct?

9 A. Right.

10 Q. So, the next step is that 533 number would have to be
11 subpoenaed independently, correct?

12 A. Yes.

13 Q. And then that subpoena would return information
14 presumably identify who's -- who the subscriber for the 533
15 number is, correct?

16 A. If it's the type of phone where the company has the
17 subscriber data, then yes.

18 Q. Right. So, in order to get a list like this ultimately
19 filled in that doesn't say no subscribers, you've got to do a
20 second round of subpoenas to get the subscribers from all of
21 these numbers, correct?

22 A. Yes.

23 Q. So, that's what, if I'm understanding it correctly, when
24 you first said this looks like a very early on in the
25 investigation document, it's because none of these numbers

09:28AM 1 have the subscribers associated with them yet, correct?

09:28AM 2 A. Correct.

09:28AM 3 Q. Okay. And you said generally investigation, I think,
09:28AM 4 you've got do multiple rounds of these subpoenas to sort of
09:28AM 5 fill in and identify who all these folks are that call each
09:28AM 6 other, correct?

09:28AM 7 A. Yes.

09:28AM 8 Q. And then a separate level of investigation might be, in
09:29AM 9 your experience, to then take the subscriber names that you
09:29AM 10 find from these numbers and subpoena utilities associated
09:29AM 11 with the addresses, correct?

09:29AM 12 A. You could, yes.

09:29AM 13 Q. If there's a suspicion that that might be a grow
09:29AM 14 location, you would do, for example, the utilities subpoenas,
09:29AM 15 correct?

09:29AM 16 A. Well, I don't think that's the track. If I had a
09:29AM 17 suspicion about a location, I would subpoena the location.
09:29AM 18 If I was looking at a person, then I would subpoena by the
09:29AM 19 person.

09:29AM 20 Q. Right. But I guess what I'm saying is you might not in
09:29AM 21 your investigation know where a location is until you have it
09:29AM 22 off of a subscriber information subpoena return, correct?

09:29AM 23 A. That's correct.

09:29AM 24 Q. And you might not even know who the subscriber is in the
09:29AM 25 first place until you have that back from the subpoena

09:29AM 1 return, correct?

09:29AM 2 A. Correct.

09:29AM 3 Q. So, what I'm saying generally speaking is sometimes
09:29AM 4 multiple rounds of subpoenas are necessary to get to the
09:30AM 5 point where you as an agent have names and addresses that you
09:30AM 6 can work further in your investigation, correct?

09:30AM 7 A. Yes.

09:30AM 8 Q. Okay. And I think you went through this earlier, but at
09:30AM 9 the top it's circled it says, C2-11-0126, that file number,
09:30AM 10 correct?

09:30AM 11 A. Yes.

09:30AM 12 Q. And that was not the Wayne Anderson file, correct?

09:30AM 13 A. It's not.

09:30AM 14 Q. And below it, it says the name Bongo, right?

09:30AM 15 A. Yes.

09:30AM 16 Q. And you understood that in your investigation or your
09:30AM 17 personal time at the DEA to be Joe Bongiovanni's nickname,
09:30AM 18 correct?

09:30AM 19 A. Yes.

09:30AM 20 Q. So, and I think you told us on direct it's common for
09:30AM 21 intel analysts to write this sort of information on the top
09:30AM 22 of one of these reports, correct?

09:30AM 23 A. Yes.

09:30AM 24 Q. Because ultimately, they have to give these reports in
09:30AM 25 paper form to one of the agents, correct?

09:30AM 1 A. Yes.

09:30AM 2 Q. So, at least from what you can tell in this report, it
09:30AM 3 looks like an agent wrote this case number and Joe
09:31AM 4 Bongiovanni's nickname to provide him with this report that
09:31AM 5 we see here, correct?

09:31AM 6 A. Yes.

09:31AM 7 Q. Okay. And in your experience with the DEA as a TFO, it's
09:31AM 8 not uncommon for agents to work other agents' cases, correct?

09:31AM 9 A. To assist each other?

09:31AM 10 Q. To assist, yes.

09:31AM 11 A. Yes, that's correct.

09:31AM 12 Q. Okay.

09:31AM 13 **MR. MacKAY:** All right. Ms. Champoux, can we take
09:31AM 14 that down and can we pull up -- it's the next one down,
09:31AM 15 716-481-8002 toll analysis.

09:31AM 16 **BY MR. MacKAY:**

09:31AM 17 Q. Okay. So now, we're looking at another toll analysis,
09:31AM 18 correct?

09:31AM 19 A. Yes.

09:31AM 20 Q. Okay. And, you know, based on the file number, and this
09:32AM 21 number circled at the top, you understand this to be John
09:32AM 22 Robinson's phone number?

09:32AM 23 A. I don't see a file number. I recognize that telephone
09:32AM 24 number.

09:32AM 25 Q. Oh, when I was talking about the file number at the top,

09:32AM 1 I guess I meant the actual file number PDF.

09:32AM 2 A. Oh, the file name? Yes.

09:32AM 3 Q. But do you recognize both from that file name and from
09:32AM 4 the number that's here, do you recognize that to be John
09:32AM 5 Robinson's cell phone number?

09:32AM 6 A. Yes.

09:32AM 7 Q. Okay. Now when we go back, do you recall that being a
09:32AM 8 number that -- strike that.

09:32AM 9 So, this is occurring on April 19th of 2013, correct?

09:32AM 10 A. Yes.

09:32AM 11 Q. Okay. And this is, you know, about six months almost
09:32AM 12 after that initial Tom Serio document we looked at, correct?

09:32AM 13 A. Yes.

09:32AM 14 Q. Okay. All right. Now, so what this -- what this is, so
09:32AM 15 the jury understands, is a list of numbers that are calling
09:32AM 16 or being called by John Robinson's phone number, correct?

09:33AM 17 A. Yes.

09:33AM 18 Q. Okay. And, you know, some numbers we see here are Tom
09:33AM 19 Serio, correct?

09:33AM 20 A. Yes.

09:33AM 21 **MR. MacKAY:** Ms. Champoux, can we go to the next
09:33AM 22 page, please?

09:33AM 23 Just rotate that.

09:33AM 24 **BY MR. MacKAY:**

09:33AM 25 Q. And okay. Some other names came up that you knew had

09:33AM 1 some significance in the Wayne Anderson investigation. Do

09:33AM 2 you recall the name T.S.?

09:33AM 3 A. Yes.

09:33AM 4 Q. Okay. Do you recall Hard Core Tattoo?

09:33AM 5 A. Yes.

09:33AM 6 Q. Okay. You say there was Ron Serio, correct?

09:33AM 7 A. Yes.

09:33AM 8 Q. Michael Moynihan?

09:33AM 9 A. Yes.

09:33AM 10 Q. We've talked about him already, but Tom Serio?

09:34AM 11 A. Yes.

09:34AM 12 **MR. MacKAY:** Can we go to the next page,

09:34AM 13 Ms. Champoux?

09:34AM 14 **BY MR. MacKAY:**

09:34AM 15 Q. Here we see Michael Masecchia?

09:34AM 16 A. Yes.

09:34AM 17 Q. Chris Baker?

09:34AM 18 A. Yes.

09:34AM 19 Q. Looks like there's a couple different numbers there for
09:34AM 20 him, correct?

09:34AM 21 A. Two.

09:34AM 22 Q. Paul Francoforte?

09:34AM 23 A. Yes.

09:34AM 24 Q. Michael Buttitta?

09:34AM 25 A. Yes.

09:34AM 1 Q. Okay.

09:34AM 2 **MR. MacKAY:** Then can we go to the next page,

09:34AM 3 Ms. Champoux?

09:34AM 4 **BY MR. MacKAY:**

09:34AM 5 Q. Mark Kagan, correct?

09:34AM 6 A. Yes.

09:34AM 7 Q. And Mark Kagan, you understood in the course of your

09:34AM 8 investigation, to have some source of supply -- source of

09:34AM 9 supply relationship with Ron Serio?

09:34AM 10 A. Source of supply, or maybe brokers of source of supply.

09:35AM 11 Q. Okay. Now, when you looked at one of the earlier

09:35AM 12 documents, when we looked at one of the documents earlier in

09:35AM 13 you testimony here, I think you described as being relatively

09:35AM 14 early on in the process of an investigation, correct?

09:35AM 15 A. Are you talking about the Tom Serio subpoena?

09:35AM 16 Q. Yes.

09:35AM 17 A. Yes.

09:35AM 18 Q. Now, compared to that one, fair to say this one

09:35AM 19 represents sort of a further step in the investigation,

09:35AM 20 correct?

09:35AM 21 A. That's more filled in, yes.

09:35AM 22 Q. Yes, that's what I mean. Because there's more

09:35AM 23 information here, it's fair to assume this is sort of further

09:35AM 24 along in the investigative process, correct?

09:35AM 25 A. As far as subpoenas go anyways, yes.

09:35AM 1 Q. Right, because you talked about how there's multiple
09:35AM 2 rounds of subpoenas this looks like it came after several
09:35AM 3 rounds, correct?

09:35AM 4 A. Yes.

09:35AM 5 Q. Okay. And we know in any event that date-wise it's a
09:35AM 6 number of months after that Tom Serio sheet, correct?

09:35AM 7 A. Yes.

09:35AM 8 **MR. MacKAY:** Can we take that down, Ms. Champoux?

09:35AM 9 Can we pull up the -- going to the next one down,
09:36AM 10 716-578-5296. Okay.

09:36AM 11 **BY MR. MacKAY:**

09:36AM 12 Q. All right. So, and this is another hot sheet, correct?

09:36AM 13 A. Yes.

09:36AM 14 Q. But this one, this goes back, crossed it right out but I
09:36AM 15 was trying to underline, this goes back to July 16th of 2012,
09:36AM 16 correct?

09:36AM 17 A. It does.

09:36AM 18 Q. So, this is even earlier than that prior sheet we looked
09:36AM 19 at with Tom Serio, correct?

09:36AM 20 A. Yes.

09:36AM 21 Q. And this one, there's a case number in the upper
09:36AM 22 right-hand corner C2-12-0090, correct?

09:36AM 23 A. Yes.

09:36AM 24 Q. And that is not the Wayne Anderson file, correct?

09:36AM 25 A. It is not.

09:36AM 1 Q. And that is, do you recall that being the G.R. file
09:36AM 2 number?

09:36AM 3 A. I remember the name G.R., I'd need to see the documents
09:36AM 4 to be able to say for sure that it's -- that's the right case
09:36AM 5 number.

09:36AM 6 Q. Okay. If I told you that was the number from the case
09:36AM 7 file, would you have any reason to disagree with me?

09:37AM 8 A. I'd like to see the documents before I say that it is or
09:37AM 9 it isn't.

09:37AM 10 Q. Okay. I don't want to break off and kind of pull that
09:37AM 11 off and go back, so let's stick with this document for a
09:37AM 12 moment.

09:37AM 13 This is a different number that's being looked up,
09:37AM 14 correct? This -- this is a different number than the one in
09:37AM 15 November that's being looked up, correct?

09:37AM 16 A. Yes.

09:37AM 17 Q. This is a 716 area code, correct?

09:37AM 18 A. Yes.

09:37AM 19 Q. The one in November was a 561 area code, correct?

09:37AM 20 A. Yes.

09:37AM 21 Q. But based on the address and the name that's written next
09:37AM 22 to it, it looks like this is also for Tom Serio though,
09:37AM 23 correct?

09:37AM 24 A. Yes.

09:37AM 25 Q. Just generally speaking, the G.R. file, do you recall

09:37AM 1 that being one of Shane Nastoff's files?

09:37AM 2 A. I don't.

09:37AM 3 Q. Do you recall who worked it?

09:37AM 4 A. No.

09:37AM 5 Q. It wasn't Joe Bongiovanni; is that fair to say?

09:37AM 6 A. I don't know that either.

09:38AM 7 Q. Okay.

09:38AM 8 **MR. MacKAY:** Ms. Champoux, can we show the witness

09:38AM 9 only --

09:38AM 10 **BY MR. MacKAY:**

09:38AM 11 Q. Would it help to refresh anything -- refresh your memory
09:38AM 12 to show you something?

09:38AM 13 A. I mean, if I saw a report with names and case numbers on
09:38AM 14 it, then yes.

09:38AM 15 **MR. MacKAY:** Sure. So Ms. Champoux, can we show for
09:38AM 16 the witness only Government Exhibit 8J?

09:38AM 17 **MS. CHAMPOUX:** J?

09:38AM 18 **MR. MacKAY:** J as in Jim.

09:38AM 19 **BY MR. MacKAY:**

09:38AM 20 Q. Just take a look at that for a moment to yourself, let me
09:38AM 21 know if that refreshes your recollection.

09:38AM 22 A. Yes. It's a --

09:38AM 23 **MR. MacKAY:** Let me just take that down.

09:38AM 24 Ms. Champoux, you can take that down.

09:38AM 25

09:38AM

1 **BY MR. MacKAY:**

2 Q. Does that refresh your recollection that the G.R. file
3 was, number 1, the case number was C2-12-0090?

4 A. I saw the case number and the agents. Could I see the
5 file title again?

6 **MR. MacKAY:** Yeah, can we show that again

7 Ms. Champoux?

8 **THE WITNESS:** Okay.

9 **MR. MacKAY:** Okay. All right. We can take that
10 down, Ms. Champoux.

11 **BY MR. MacKAY:**

12 Q. So, again, back to both of my questions. Does that
13 refresh your recollection first on what the case number for
14 G.R. was?

15 A. C2-12-0090.

16 Q. And number two, who the agent was who worked that case?

17 A. Shane Nastoff.

18 Q. Okay.

19 **MR. MacKAY:** We can take that down, Ms. Champoux.

20 Can we pull up the next one down -- actually, I'm sorry, one
21 more down. 716-830-3226 hot sheet.

22 **BY MR. MacKAY:**

23 Q. Okay. Now, this is another hot sheet that's run,
24 correct?

25 A. Yes.

09:39AM 1 Q. So, again, for the jury, that's the report that itemizes
09:39AM 2 in order of most called to the least called, the numbers
09:39AM 3 interacting with the main number, correct?

09:39AM 4 A. Yes.

09:39AM 5 Q. And the number being focused on here is the 716-830-3226
09:40AM 6 number, correct?

09:40AM 7 A. Yes.

09:40AM 8 Q. And you understand that to be Ron Serio's cell phone
09:40AM 9 number?

09:40AM 10 A. I think it was one of them, yes.

09:40AM 11 Q. Okay. And this is occurring, this report is being run,
09:40AM 12 April 19th of 2013?

09:40AM 13 A. Yes.

09:40AM 14 Q. Okay. So again, some of the same names were showing up,
09:40AM 15 I'm going to go through the names here, and let me know if
09:40AM 16 these are the same names you saw on some of the other hot
09:40AM 17 sheets and subscriber lists I showed you.

09:40AM 18 Chris Baker, correct?

09:40AM 19 A. Yes.

09:40AM 20 Q. Okay. Looks like he's interacting with Ron Serio's phone
09:40AM 21 number, he's either calling him or getting called by Chris
09:40AM 22 Baker 446 times, correct?

09:40AM 23 A. Yes.

09:40AM 24 Q. There's his brother, Tom Serio, correct?

09:40AM 25 A. Yes.

09:40AM 1 Q. 127 times they're calling or -- in some fashion, correct?

09:41AM 2 A. Yes.

09:41AM 3 Q. Mike Buttitta, correct?

09:41AM 4 A. Yes.

09:41AM 5 Q. And that's 77 times?

09:41AM 6 A. Yes, it is.

09:41AM 7 Q. T.S.?

09:41AM 8 A. Yes, I see that.

09:41AM 9 **MR. MacKAY:** Go to the next page, Ms. Champoux.

09:41AM 10 **BY MR. MacKAY:**

09:41AM 11 Q. Michael Masecchia?

09:41AM 12 A. Yes.

09:41AM 13 Q. Michael Moynihan?

09:41AM 14 A. Yes.

09:41AM 15 Q. Mark Kagan?

09:41AM 16 A. Yes.

09:41AM 17 Q. Paul Francoforte?

09:41AM 18 A. Yes.

09:41AM 19 Q. Hard Core Tattoos?

09:41AM 20 A. Yes.

09:41AM 21 Q. Okay. And just those were some of the same numbers we

09:41AM 22 saw, appear to have interacted with some of the prior numbers

09:41AM 23 that were in prior subscriber lists and hot sheets, correct?

09:41AM 24 A. Yes.

09:42AM 25 Q. Okay. So, it seems to be that at least from what you can

09:42AM 1 see there's several reports here that have an overlap in the
09:42AM 2 same names and numbers being called, correct?

09:42AM 3 A. Yes.

09:42AM 4 Q. Now, you were shown in exhibit, Government

09:42AM 5 Exhibit 100E-1, do you remember that one? That's the list,
09:42AM 6 the handwritten list of numbers?

09:42AM 7 A. Yes.

09:42AM 8 Q. And that came out of the Redweld which you know to be
09:42AM 9 Government Exhibit 100A, correct?

09:42AM 10 A. Yes.

09:42AM 11 Q. Fair to say a lot of the names we just went through were
09:42AM 12 names and numbers that were on that handwritten sheet,
09:42AM 13 correct?

09:42AM 14 A. Yes.

09:42AM 15 Q. Okay.

09:42AM 16 **MR. MacKAY:** Ms. Champoux, we can take down that
09:42AM 17 document.

09:42AM 18 Let's go two more down. We've got the cursor, Baker
09:42AM 19 C rap sheet.

09:42AM 20 If we can zoom out a little bit.

09:42AM 21 **BY MR. MacKAY:**

09:42AM 22 Q. Okay. This, you know to be sort of a criminal history
09:42AM 23 check of somebody, correct?

09:43AM 24 A. Yes. It's a -- we call it a "triple I check," it stands
09:43AM 25 for Interstate Identification Index.

09:43AM 1 Q. Okay. And sort of layman's terms, is this like running a
09:43AM 2 rap sheet on somebody?

09:43AM 3 A. No, this won't necessarily give you the rap sheet. The
09:43AM 4 triple I check tells you if someone has a rap sheet and then
09:43AM 5 there's another step you take to go find it.

09:43AM 6 Q. Okay. So, this is sort of the initial step of finding
09:43AM 7 out whether somebody has a prior criminal history, correct?

09:43AM 8 A. Yes.

09:43AM 9 Q. So, you have a name and some personal identification
09:43AM 10 information, you can send out a query to this NCIC
09:43AM 11 organization and you get back, in this sort of report, an
09:43AM 12 initial response of whether there's a rap sheet to be found
09:43AM 13 for that individual, correct?

09:43AM 14 A. Right.

09:43AM 15 Q. Could come back and there's no criminal history, correct?

09:43AM 16 A. It would come back and say no record on file, but yeah,
09:43AM 17 means a person's not in there.

09:44AM 18 Q. Yeah, and then opposite would be it says there is
09:44AM 19 something in there, correct?

09:44AM 20 A. Yes.

09:44AM 21 Q. And then you can do a further search to find out what the
09:44AM 22 person's prior criminal history is, correct?

09:44AM 23 A. Yes.

09:44AM 24 Q. And you can see this report is being run by
09:44AM 25 Mr. Bongiovanni, correct?

09:44AM 1 A. Yes.

09:44AM 2 Q. And it's being run on that same date as that hot sheet
09:44AM 3 you saw before, April 19th, 2013, correct?

09:44AM 4 A. Yes.

09:44AM 5 Q. And we saw the name Chris Baker on that April 19th, 2013
09:44AM 6 hot sheet, correct?

09:44AM 7 A. Yes.

09:44AM 8 Q. So, is it fair to say a standard investigative procedure
09:44AM 9 is to start doing some criminal history inquiries into
09:44AM 10 individuals that show up on hot sheets?

09:44AM 11 A. Yes.

09:44AM 12 Q. Fair to say that, sort of, we talked about earlier and I
09:44AM 13 don't want to keep going through every little step, but that
09:44AM 14 there's multiple rounds of subpoenas to get information on
09:45AM 15 phone numbers and individuals, correct?

09:45AM 16 A. Yes.

09:45AM 17 Q. And that helps to identify, in your experience, who's
09:45AM 18 most in contact with a phone number, correct?

09:45AM 19 A. Yes.

09:45AM 20 Q. And then, if you're investigating that contact the next
09:45AM 21 step might be something like this, which is figuring out
09:45AM 22 whether any of these individuals have prior criminal
09:45AM 23 histories, correct?

09:45AM 24 A. Yes.

09:45AM 25 Q. All right.

09:45AM 1 **MR. MacKAY:** Can we take this down, Ms. Champoux?

09:45AM 2 And then can we go to the next down, Baker C, toll
09:45AM 3 analysis? Okay.

09:45AM 4 **BY MR. MacKAY:**

09:45AM 5 Q. Now, what are we looking at here in this document?

09:45AM 6 A. Well, in the first page, it's subscriber information for
09:45AM 7 Chris Baker.

09:45AM 8 Q. Okay.

09:45AM 9 **MR. MacKAY:** Can we scroll down a little bit,
09:45AM 10 Ms. Champoux?

09:45AM 11 **BY MR. MacKAY:**

09:45AM 12 Q. And then what are we seeing here?

09:45AM 13 A. Then this is a hot list for 716-830-3226.

09:45AM 14 Q. And that was Ron, one of Ron Serio's phone numbers,
09:45AM 15 correct?

09:45AM 16 A. Yes.

09:45AM 17 Q. And this hot sheet was being run about a month before on
09:45AM 18 the April date on March 19th, 2013, correct?

09:46AM 19 A. Yes.

09:46AM 20 Q. And, again, what this shows in common parlance is the
09:46AM 21 most called numbers to and from Ron Serio's phone number,
09:46AM 22 correct?

09:46AM 23 A. Yes.

09:46AM 24 Q. Because this would have been run, you know, a month
09:46AM 25 before the April date, is it fair to say this sort of

09:46AM 1 captures a further back date as far as what the calls were?

09:46AM 2 Does that make sense?

09:46AM 3 A. I would have to go back and look at the date range again
09:46AM 4 to see how they match up, they're similar, but it, I mean, it
09:46AM 5 has to be at least, so, in other words, there's the date of
09:46AM 6 the report and then there's the date of the records.

09:46AM 7 Q. Okay.

09:46AM 8 A. You could run the report on multiple days without the
09:46AM 9 records changing, that's why the date range on right column
09:46AM 10 matters.

09:46AM 11 Q. Okay. So, that's right there. Yeah. So, I guess what
09:46AM 12 I'm asking is --

09:46AM 13 A. Well, no. Not that date range, the -- the -- that's the
09:46AM 14 date range that's queried. So basically, the query is run
09:46AM 15 against all records for all time right, because it goes from
09:46AM 16 1980 to 2099.

09:47AM 17 Q. Okay.

09:47AM 18 A. The date of the records is -- can I mark the screen?

09:47AM 19 Q. Yes.

09:47AM 20 A. It's this column.

09:47AM 21 Q. Okay. So, what this is saying, glad you sort of cleared
09:47AM 22 this up because I might not have explained it well.

09:47AM 23 What it's saying is the report date here encompasses in
09:47AM 24 some fashion February 10th of 2013 to March 11th of 2013,
09:47AM 25 correct?

09:47AM 1 A. Right. And so --

09:47AM 2 Q. And what does that date represent in terms of what this
09:47AM 3 report is showing?

09:47AM 4 A. That's the date range of the phone records.

09:47AM 5 Q. Okay.

09:47AM 6 A. That are available for the system to analyze.

09:47AM 7 Q. Right. So, what that means is, is it fair to say that

09:47AM 8 that's what this report is operating off of that got back
09:47AM 9 from the subpoena?

09:47AM 10 A. Well --

09:47AM 11 Q. I'm trying to find out the easiest way to explain this.

09:47AM 12 So when the report -- the subpoena goes out, and you get
09:47AM 13 back the subscriber information and the calls, is that what
09:48AM 14 this date column is representing?

09:48AM 15 A. Yes.

09:48AM 16 Q. Is what was returned from the phone company as far as
09:48AM 17 dates of activity?

09:48AM 18 A. Yes.

09:48AM 19 Q. Okay. So, at this point in time, it's analyzing
09:48AM 20 February 10th, 2013, to March 11th, 2013, correct?

09:48AM 21 A. Yes.

09:48AM 22 **MR. MacKAY:** Ms. Champoux, can we jump back two
09:48AM 23 documents to this one I've marked up there, the 716830.

09:48AM 24 **BY MR. MacKAY:**

09:48AM 25 Q. And this one, again, was the hot sheet that was run on

09:48AM 1 April 19th, 2013, correct?

09:48AM 2 A. Yes.

09:48AM 3 Q. Looks like in some places, in that same column the dates
09:48AM 4 are about the same?

09:48AM 5 A. They're similar. So, that that means that so, for
09:48AM 6 example, in the first line for the number ending 0664, for
09:48AM 7 Michael Masecchia, there are 37 contacts between the number
09:48AM 8 that was queried and Michael Masecchia's number from
09:48AM 9 February 12th to March 11th.

09:49AM 10 But then when you see that date range change, it just
09:49AM 11 means that the outside limits of when the contacts occurred
09:49AM 12 are different for the different numbers.

09:49AM 13 Q. From what you can see in the date column here versus the
09:49AM 14 date column in last document we looked at, it looks like the
09:49AM 15 records are all in the approximately February to March
09:49AM 16 timeframe of 2013, correct?

09:49AM 17 A. Yes.

09:49AM 18 Q. Okay.

09:49AM 19 **MR. MacKAY:** Okay. You can close that out,
09:49AM 20 Ms. Champoux.

09:49AM 21 Can we go to -- can we jump down two more to
09:49AM 22 Buttitta M rap sheet?

09:49AM 23 And just zoom out, thank you.

09:49AM 24 **BY MR. MacKAY:**

09:49AM 25 Q. Okay. This is another one of these what you said was a

09:49AM 1 triple I check?

09:49AM 2 A. Yes.

09:49AM 3 Q. Again, run by Mr. Bongiovanni, correct?

09:49AM 4 A. Yes.

09:49AM 5 Q. Run on April 19th, 2013, correct?

09:49AM 6 A. Yes.

09:49AM 7 Q. And it's being run for an individual named Michael

09:50AM 8 Buttitta, correct?

09:50AM 9 A. Yes.

09:50AM 10 Q. And again, this is the document that -- it's the return

09:50AM 11 of a query to tell whether somebody has a criminal history or

09:50AM 12 not, correct?

09:50AM 13 A. Yes.

09:50AM 14 Q. And do you recall Michael Buttitta is a name that shows

09:50AM 15 up in some of those subscriber and hot sheets that we've

09:50AM 16 already gone through, correct?

09:50AM 17 A. Yes.

09:50AM 18 Q. Okay. So, again, this represents, like, I think you said

09:50AM 19 before, the next step of looking into the specific

09:50AM 20 individuals who might be identified as subscribers in one of

09:50AM 21 these reports, correct?

09:50AM 22 A. Yes.

09:50AM 23 Q. Okay.

09:50AM 24 **MR. MacKAY:** You can close that out, Ms. Champoux.

09:50AM 25 Can we pull up handwritten notes? Can we zoom out a

09:50AM 1 little bit?

09:50AM 2 A little bit more so we can just capture it all.

09:50AM 3 **BY MR. MacKAY:**

09:50AM 4 Q. Okay. And do you recall this handwritten sheet of notes
09:50AM 5 being in the file?

09:50AM 6 A. Yes.

09:50AM 7 Q. Okay. And in your investigation, did you understand this
09:51AM 8 to be a document written by Joseph Bongiovanni?

09:51AM 9 A. I don't know who authored it.

09:51AM 10 Q. Okay. In your experience as a DEA agent, is it -- as a
09:51AM 11 TFO with the DEA, is it fair to say sometimes you get
09:51AM 12 information coming in from sources that you sit down and have
09:51AM 13 an interview with?

09:51AM 14 A. Yes.

09:51AM 15 Q. Yeah. I mean, in common parlance, you sit down with
09:51AM 16 somebody who's got information to give you, and you make
09:51AM 17 notes of what they said, right?

09:51AM 18 A. Yes.

09:51AM 19 Q. And sometimes that's one of your confidential sources who
09:51AM 20 comes in with information, correct?

09:51AM 21 A. Yes.

09:51AM 22 Q. Sometimes you get sort of unsolicited tips and things off
09:51AM 23 the street?

09:51AM 24 A. You could.

09:51AM 25 Q. Sometimes you get sources of information who want to walk

09:51AM 1 in and tell you something, but don't want to really act as a
09:51AM 2 confidential source, correct?

09:51AM 3 A. You could.

09:51AM 4 Q. Okay. At least from what you can see in using your own
09:51AM 5 experience, does this appear to be memorialization of some
09:52AM 6 sort of notes that, you know, an agent may have made
09:52AM 7 regarding an interview or discussion with somebody?

09:52AM 8 A. I -- there's no way that I could say that, either way.

09:52AM 9 Q. Okay. But you see a couple names that you recognize from
09:52AM 10 the Wayne Anderson investigation on here, correct?

09:52AM 11 A. I, yes.

09:52AM 12 Q. Who specifically do you see?

09:52AM 13 A. I see Ron Serio and Dave Oddo, those are the first two.

09:52AM 14 Q. Okay. You see Tom Serio as well, too?

09:52AM 15 A. I do.

09:52AM 16 Q. Do you see right next to it, you see what says Creme
09:52AM 17 Beame?

09:52AM 18 A. Yes.

09:52AM 19 Q. Did you understand Tom Serio sometime in the 2012, 2013
09:52AM 20 timeframe to drive a white BMW?

09:52AM 21 A. No.

09:52AM 22 Q. Okay. Did you see the phone number below that?

09:52AM 23 A. Yes.

09:52AM 24 Q. 578 phone number, did you understand that to be a cell
09:52AM 25 phone number that associated with Tom Serio in your

09:52AM 1 investigation?

09:52AM 2 A. I have to go back and look at records.

09:52AM 3 **MR. MacKAY:** Yeah if we -- Ms. Champoux, I've just
09:53AM 4 kind of marked a window up there, can we flip back to that
09:53AM 5 document?

09:53AM 6 **BY MR. MacKAY:**

09:53AM 7 Q. Okay. And we're looking at the 716-578-5296 document?

09:53AM 8 A. Okay.

09:53AM 9 Q. So, do you understand that number that you saw in the
09:53AM 10 hand-written notes to be Tom Serio's cell phone number?

09:53AM 11 A. Yes.

09:53AM 12 **MR. MacKAY:** All right. Can we take that down,
09:53AM 13 Ms. Champoux? All right.

09:53AM 14 Can we go a few more down. Can we go to the Jeremie
09:53AM 15 Jones misc pdf? Can we zoom out?

09:53AM 16 **BY MR. MacKAY:**

09:53AM 17 Q. Now, Jeremie Jones was a name that you knew came up in
09:53AM 18 the Wayne Anderson file, correct?

09:53AM 19 A. I mean, I only know about it because its in the file.

09:53AM 20 Q. Would you recall reviewing the entire file and seeing a
09:53AM 21 DEA-202 for Jeremie Jones?

09:53AM 22 A. In the Anderson file?

09:53AM 23 Q. Yes.

09:53AM 24 A. I don't recall that.

09:54AM 25 Q. Okay. Do you remember that there were two DEA-202 forms

09:54AM 1 for both Tom Serio and Ron Serio?

09:54AM 2 A. I do remember those.

09:54AM 3 Q. Those were the forms that put somebody in the file,
09:54AM 4 correct?

09:54AM 5 A. And then Wayne Anderson, I remember, Damian Abbate.

09:54AM 6 Q. And do you remember David Oddo?

09:54AM 7 A. Yes.

09:54AM 8 Q. Okay. And do you remember about the same date there's
09:54AM 9 also one for Jeremie Jones?

09:54AM 10 A. I, I don't recall Jeremie Jones, no.

09:54AM 11 Q. Okay.

09:54AM 12 **MR. MacKAY:** Ms. Champoux, can--

09:54AM 13 **BY MR. MacKAY:**

09:54AM 14 Q. Would it help to refresh your recollection to look at
09:54AM 15 something from the file?

09:54AM 16 A. Yes.

09:54AM 17 **MR. MacKAY:** Ms. Champoux, can we show Government
09:54AM 18 Exhibit -- well, it's in evidence, can we show Government
09:54AM 19 Exhibit 8A at page 59?

09:54AM 20 **BY MR. MacKAY:**

09:54AM 21 Q. Can you see that clearly on your screen?

09:54AM 22 A. I can.

09:54AM 23 Q. That's the, that's a 202 for Jeremie Jones, correct?

09:54AM 24 A. It is.

09:54AM 25 Q. It looks like it was prepared on January 2nd, 2013?

09:54AM 1 A. Yes.

09:54AM 2 Q. So, in your experience, the 202 is a document created by
09:54AM 3 an agent to associate a name with a file, correct?

09:54AM 4 A. Yes. And then the next page should have some remarks
09:55AM 5 that explain the association.

09:55AM 6 Q. Okay. Now, I want to jump back to that document that we
09:55AM 7 were at. The Jeremie Jones misc pdf. What it looks like
09:55AM 8 here, this looks like a mugshot, correct?

09:55AM 9 A. That looks like that, yes.

09:55AM 10 **MR. MacKAY:** And can we go to the next page,
09:55AM 11 Ms. Champoux?

09:55AM 12 **BY MR. MacKAY:**

09:55AM 13 Q. And at the top, you see this looks like a -- the document
09:55AM 14 that follows from page 2, that appears to be a booking sheet?

09:55AM 15 A. Yes.

09:55AM 16 Q. Okay. And it looks like this booking sheet from what you
09:55AM 17 can see from the upper right-hand corner was run -- was the
09:55AM 18 report was run on January 2nd, 2013, at about 9:33 in the
09:55AM 19 morning?

09:55AM 20 A. Could we zoom on that?

09:55AM 21 Q. Yeah. I'll clear that.

09:55AM 22 A. That's better, yes, January 2nd, 2013.

09:55AM 23 Q. And then that report is run by Joseph Palmieri, correct?

09:55AM 24 A. Yes.

09:55AM 25 Q. And from what you just looked at in Government

09:55AM 1 Exhibit 8A, that's the same day Jeremie Jones is entered in
09:56AM 2 the file, correct?

09:56AM 3 A. Yes.

09:56AM 4 **MR. MacKAY:** Can we go to page 7 of this document,
09:56AM 5 please?

09:56AM 6 **BY MR. MacKAY:**

09:56AM 7 Q. Okay. Now, this is a NADDIS record being run for the
09:56AM 8 same person, Jeremie Jones, correct?

09:56AM 9 A. Yes.

09:56AM 10 Q. Okay. And just so the jury understands, we've heard
09:56AM 11 about NADDIS before. Can you just explain what they just saw
09:56AM 12 with the booking report versus what a NADDIS report is?

09:56AM 13 A. The NADDIS records are DEA records. The booking report
09:56AM 14 was a Buffalo PD record.

09:56AM 15 Q. So, the previous document we looked concerns some arrest
09:56AM 16 Jeremie Jones had with the Buffalo Police, correct?

09:56AM 17 A. Yes.

09:56AM 18 Q. But what we're looking at now on page 7 is the internal
09:56AM 19 DEA record for whether there's any prior investigations or
09:56AM 20 cases open with Jeremie Jones, correct?

09:56AM 21 A. Yes.

09:56AM 22 Q. And if we look at the upper right-hand corner, this
09:57AM 23 NADDIS report is being run by Shane Nastoff, correct?

09:57AM 24 A. Yes, that's what it says.

09:57AM 25 Q. And it's being run on December 30th, 2012?

09:57AM 1 A. Yes.

09:57AM 2 Q. Okay. So, you know, a couple days before you saw that,
09:57AM 3 that 202 in Government Exhibit 8A, that enters him into the
09:57AM 4 file, correct?

09:57AM 5 A. Yes.

09:57AM 6 Q. And you understood Shane Nastoff to be listed as the
09:57AM 7 co-case agent on the Wayne Anderson file, correct?

09:57AM 8 A. I don't know that, I don't know that, no.

09:57AM 9 Q. Did you know Shane Nastoff, you know, to appear in the
09:57AM 10 Wayne Anderson file on reports in some fashion?

09:57AM 11 A. Yes.

09:57AM 12 Q. Okay.

09:58AM 13 **MR. MacKAY:** Can we close that out, Ms. Champoux?
09:58AM 14 Can we go to Masecchia M phone info?

09:58AM 15 **BY MR. MacKAY:**

09:58AM 16 Q. Again, so, first page of this is -- we're looking at is
09:58AM 17 the subscriber information for, appears to be Michael
09:58AM 18 Masecchia, correct?

09:58AM 19 A. Yes.

09:58AM 20 Q. And again, it's circled at the top, Bongo, correct?

09:58AM 21 A. Yes.

09:58AM 22 Q. So, this at least from what you can review from this
09:58AM 23 document seen in front of you, that suggests that this
09:58AM 24 document is first produced to an intel analyst and then
09:58AM 25 there's some handwriting on it intending to be passed to

09:58AM 1 Mr. Bongiovanni?

09:58AM 2 A. Yes.

09:58AM 3 Q. Okay. Because in your, again, I think you told us before
09:58AM 4 but in your experience, it's not uncommon for the subpoena
09:58AM 5 returns to come back directly to the intel analyst, correct?

09:58AM 6 A. Yes.

09:58AM 7 Q. Because they can sort through that information and have
09:58AM 8 the programs to analyze it, correct?

09:58AM 9 A. Everybody had access to that program. But, not everybody
09:58AM 10 did it the same way.

09:58AM 11 Q. Okay. Now, this is being run on --

09:59AM 12 **MR. MacKAY:** Can we go to the next page,

09:59AM 13 Ms. Champoux? Okay. Can we zoom in a little bit?

09:59AM 14 I'm sorry.

09:59AM 15 **BY MR. MacKAY:**

09:59AM 16 Q. Okay. So, what are we seeing in front of us right now?

09:59AM 17 A. Somebody, I'm trying to see if it says who, it's a print
09:59AM 18 screen from DARTS.

09:59AM 19 Q. Okay. So, what exactly is it that we're looking at, what
09:59AM 20 does that do? What does this screen do in terms of DEA
09:59AM 21 activity?

09:59AM 22 A. I'm not sure I understand the question. What does the
09:59AM 23 screen do?

09:59AM 24 Q. Yeah. So, I mean, we said it's a screen from DARTS, what
09:59AM 25 we've seen already are DARTS emails, correct?

09:59AM 1 A. Yes.

09:59AM 2 Q. Those are the emails that get generated when there's an
09:59AM 3 overlap, correct?

09:59AM 4 A. Yes.

09:59AM 5 Q. Is this fair to say this is sort of the other end when a
10:00AM 6 number is getting put into DARTS?

10:00AM 7 A. This, I think, is the subpoena return, because it has the
10:00AM 8 link for view packages in the view print. It means that the
10:00AM 9 subpoena, this -- this C2 number here, C2-13-581484, is the
10:00AM 10 subpoena number.

10:00AM 11 The service provider it was sent to, case number, who
10:00AM 12 prepared it, that means that the tolls or whatever was
10:00AM 13 subpoenaed is ready for download.

10:00AM 14 Q. Sure. I just I just want to walk through this, because
10:00AM 15 it looks like a couple stages in a computer program that's
10:00AM 16 being used. Because I think what you were referring to is
10:00AM 17 this is the link you're talking about where it says view
10:00AM 18 packages.

10:00AM 19 A. Yes.

10:00AM 20 Q. So, at the time in 2013, when agents or intel analysts
10:00AM 21 are subpoenaing information from phone companies, they're not
10:00AM 22 necessarily getting back physical paper records, correct?

10:00AM 23 A. No. This subpoena was sent electronically and returned
10:01AM 24 electronically.

10:01AM 25 Q. Right. That's what I'm getting towards, is the way

10:01AM 1 that -- in this case, Sprint Nextel Corporation produces the
10:01AM 2 records to DEA, is they send them some sort of electronic
10:01AM 3 link, correct?

10:01AM 4 A. Yes.

10:01AM 5 Q. And the link, it appears from what we can see from this
10:01AM 6 internet, internet explorer screenshot, it's sort of the link
10:01AM 7 is opened directly in the DARTS program?

10:01AM 8 A. Yes.

10:01AM 9 Q. Okay. So, again, just -- I know we're going through some
10:01AM 10 of the steps a little bit slowly, but the subpoena goes out
10:01AM 11 the door, correct?

10:01AM 12 A. Electronically in this case, yes.

10:01AM 13 Q. So, you would send, if you identified a number, you would
10:01AM 14 subpoena Sprint Nextel by first preparing one of the actual
10:01AM 15 subpoena papers that we've seen before, correct?

10:01AM 16 A. No.

10:01AM 17 Q. Okay. Wait, so, I mean, you have to prepare the actual
10:01AM 18 subpoena, correct?

10:01AM 19 A. In this case, no.

10:01AM 20 Q. Okay.

10:01AM 21 A. It's all done electronically.

10:01AM 22 Q. Well, so, I know previously and I think the jury has seen
10:01AM 23 what look to be like subpoenas, correct?

10:02AM 24 A. Okay. I guess when you said paper, it's -- it was
10:02AM 25 different by service provider when I was there. So, there

10:02AM 1 was some service providers where you actually had to print a
10:02AM 2 paper subpoena, and then submit it through some other means.

10:02AM 3 There's no paper subpoena, there might be a subpoena form
10:02AM 4 generated, but there's no paper subpoena that's ever
10:02AM 5 generated for Sprint at the time.

10:02AM 6 Q. Yeah, okay. That's what I'm getting at. Is with some of
10:02AM 7 the subpoenas, what you've got to do is actually prepare a
10:02AM 8 physical piece of paper, and then send it out to whoever
10:02AM 9 you're subpoenaing, correct?

10:02AM 10 A. Yes.

10:02AM 11 Q. But when you're dealing with some of these phone
10:02AM 12 companies, specifically Sprint Nextel, you go through the
10:02AM 13 DARTS -- the intel analyst or the agent goes through the
10:02AM 14 DARTS program and prepares some sort of form that goes out to
10:02AM 15 Sprint Nextel?

10:02AM 16 A. We always go through DARTS.

10:02AM 17 Q. Yes.

10:02AM 18 A. I mean, whether you're sending a paper subpoena or an
10:02AM 19 electronic subpoena, DARTS prepares it either way.

10:02AM 20 Q. Okay. So, that's sort of the portal to send it out to
10:02AM 21 the company, correct? Is that a fair way of characterizing
10:02AM 22 it?

10:02AM 23 A. That's one thing that it does.

10:03AM 24 Q. Okay. But yeah, so when you're dealing with subpoenas
10:03AM 25 though, you're routing them all through this DARTS online

10:03AM 1 program, correct?

10:03AM 2 A. Yes.

10:03AM 3 Q. And then the return, for somebody like Sprint Nextel,

10:03AM 4 what you're saying is they send everything back through the

10:03AM 5 DARTS program through that same portal, correct?

10:03AM 6 A. That's correct.

10:03AM 7 Q. And then what the return -- the subpoena return recipient

10:03AM 8 gets is something that we're looking at in front of us,

10:03AM 9 correct?

10:03AM 10 A. Yes.

10:03AM 11 Q. This is basically a notification that says, hey, your

10:03AM 12 subpoena records are ready, click here, correct?

10:03AM 13 A. Yes.

10:03AM 14 Q. And then once this is, I presume, once you open this

10:03AM 15 package, that's how the numbers that are associated get

10:03AM 16 loaded into DARTS?

10:03AM 17 A. No.

10:03AM 18 Q. So, how do the numbers -- so, walk us through how when

10:03AM 19 you get a subpoena return back, how the actual numbers get

10:03AM 20 into DARTS.

10:03AM 21 A. So at this point, just what I'm looking at this, the only

10:03AM 22 number that you can know for sure that's in DARTS is the

10:04AM 23 phone number here, 716-812-0664. Because you have to put it

10:04AM 24 into DARTS first before DARTS will let you generate a

10:04AM 25 subpoena, that's happened or you wouldn't have a return.

10:04AM 1 Whatever numbers are on this return, the way I would have
10:04AM 2 done it, is put them in, take the return, get the return
10:04AM 3 loaded into PenLink so that I could actually see the numbers
10:04AM 4 on the spreadsheet. And then you have to go from the PenLink
10:04AM 5 spreadsheet back to the first page of DARTS, and put the
10:04AM 6 numbers in and start the process all over again.

10:04AM 7 Q. Okay. So, again, so we're just catching all of the steps
10:04AM 8 here, this 812-0664 number you understood that to be Michael
10:04AM 9 Masecchia's phone number, correct?

10:04AM 10 A. Yes.

10:04AM 11 Q. Okay. And what you're saying is that in order to get a
10:04AM 12 subpoena for that number, you've first got to put that number
10:04AM 13 into DARTS, correct?

10:04AM 14 A. Yes.

10:04AM 15 Q. You've got to generate the subpoena and send it out
10:04AM 16 through DARTS, correct?

10:04AM 17 A. Yes.

10:04AM 18 Q. And what you get back through DARTS is the subpoena
10:04AM 19 return, correct?

10:04AM 20 A. Yes.

10:04AM 21 Q. And that may have a bunch of further numbers that are
10:05AM 22 associated with Mike Masecchia's number, correct?

10:05AM 23 A. It's going to be his toll records and the subscriber
10:05AM 24 information.

10:05AM 25 Q. Right. It's all, what you're gonna see is all the

10:05AM 1 numbers that he's called or is calling, correct?

10:05AM 2 A. Yes.

10:05AM 3 Q. And then what I think you just told us is in order to put
10:05AM 4 those further numbers into DARTS, you then have to go through
10:05AM 5 a separate step of inputting each one of those, correct?

10:05AM 6 A. Yes.

10:05AM 7 Q. Unless you were going through and subpoenaing each one of
10:05AM 8 those numbers themselves, correct?

10:05AM 9 A. I mean, unless you had already subpoenaed it. Yes.

10:05AM 10 Q. Right. So like, again, I'll give you an example. You
10:05AM 11 get a random number back from this subpoena return. If you'd
10:05AM 12 never seen it before, it's not going to be in DARTS, correct?

10:05AM 13 A. If I -- it could be. DARTS is going to tell me if it's
10:05AM 14 in DARTS or not.

10:05AM 15 Q. Okay. And if it's not, if you're not going to separately
10:05AM 16 then subpoena that number, you'd have to manually input it
10:05AM 17 into DARTS, correct?

10:05AM 18 A. Yes.

10:05AM 19 Q. Right. So, I guess what I'm just trying to get at is
10:06AM 20 just because a number that goes out the door for a subpoena
10:06AM 21 and comes back with numbers on a return doesn't just
10:06AM 22 necessarily mean that all those numbers that are returned on
10:06AM 23 the subpoena return automatically go into DARTS; is that fair
10:06AM 24 to say?

10:06AM 25 A. They do not.

10:06AM 1 Q. Okay. Okay. Now on this one, the "prepared by" column
10:06AM 2 is Justin Borst, correct?

10:06AM 3 A. Yes.

10:06AM 4 Q. He's one of the intel analysts at the DEA at the time,
10:06AM 5 correct?

10:06AM 6 A. Yes.

10:06AM 7 Q. So, what you see from this is, does it appear by the way
10:06AM 8 he's getting -- by the way he's listed as the prepared by,
10:06AM 9 that indicates he prepared the subpoena to go out the door,
10:06AM 10 correct?

10:06AM 11 A. Yes.

10:06AM 12 Q. And then, he would be the person who -- for whom the
10:06AM 13 subpoena is returned, correct?

10:06AM 14 A. Yes.

10:06AM 15 Q. And that's what we're seeing here again, where he clicks
10:06AM 16 on the package, and it says view package, and that's how you
10:06AM 17 view the package, correct?

10:06AM 18 A. Yes.

10:06AM 19 Q. Okay. And then, we've gone through this with some of the
10:07AM 20 prior reports, but what you said happens sometimes is that
10:07AM 21 the analyst will then take the numbers that come in from the
10:07AM 22 subpoena return, run it through this PenLink program, and you
10:07AM 23 get the reports that we've already seen, correct?

10:07AM 24 A. Yes.

10:07AM 25 Q. And then those reports in your experience, the intel

1 analysts sometimes print out label by the case number and
2 agent and then give it to the agent, correct?

3 A. Yes.

4 Q. Okay. I think we've got all steps of the process now.

5 **MR. MacKAY:** All right. Can we close this one out
6 Ms. Champoux?

7 Can we jump down two more to Mettal docs?

8 **BY MR. MacKAY:**

9 Q. First page, again, looks like one of those subscriber
10 returns, correct?

11 A. Yes.

12 Q. Again, it's labeled by what you know to be an intel
13 analyst directing it to Mr. Bongiovanni, from what you can
14 see, correct?

15 A. Yes.

16 Q. Return an address in Kew Garden Hills, correct?

17 A. No, New Gar -- no, it is Kew Garden Hills, yes.

18 Q. And do you understand that to be a municipality in
19 downstate near New York City?

20 A. I don't know where it is.

21 Q. But it's got the 11367 zip code?

22 A. It does.

23 **MR. MacKAY:** Let's go to the next page, Ms. Champoux.

24 **BY MR. MacKAY:**

25 Q. Okay. Looking at the top here, this again, this is a hot

10:08AM 1 sheet, correct?

10:08AM 2 A. Yes.

10:08AM 3 Q. So, what we're looking at again, is one of these reports
10:08AM 4 that shows how many times certain numbers call or were called
10:08AM 5 by the target number, correct?

10:08AM 6 A. Yes.

10:08AM 7 Q. And again, it's organized by most to least, correct?

10:08AM 8 A. Yes.

10:08AM 9 Q. And we know that the number that's being targeted is that
10:08AM 10 516 number, correct?

10:08AM 11 A. Yes.

10:08AM 12 Q. And this is being run on August 26th of 2013, correct?

10:08AM 13 A. Yes.

10:08AM 14 Q. Okay. Now, do you recall in your review of the Wayne
10:08AM 15 Anderson file the Robert Mettal name coming up?

10:09AM 16 A. Yes.

10:09AM 17 Q. And do you remember that -- and do you recall that being
10:09AM 18 a name that the confidential source R.K. indicates he may be
10:09AM 19 able to contact about purchases of narcotics?

10:09AM 20 A. I would need to review that report to be certain.

10:09AM 21 Q. Okay. But he was a name that had come up in the file,
10:09AM 22 correct?

10:09AM 23 A. Yes.

10:09AM 24 Q. All right. So, do you recall what Mr. R.K.'s phone
10:09AM 25 number was offhand?

10:09AM 1 A. No.

10:09AM 2 **MR. MacKAY:** Okay. Ms. Champoux we can't do side by
10:09AM 3 side with this document, can we?

10:09AM 4 **MS. CHAMPOUX:** No.

10:09AM 5 **MR. MacKAY:** Okay. Can we pull up Government Exhibit
10:09AM 6 9E at page 5? Okay. Can we zoom in on block 20?

10:09AM 7 **BY MR. MacKAY:**

10:10AM 8 Q. And while we've got part of the screen blown up, do you
10:10AM 9 understand this to be the CS establishment form for R.K.?

10:10AM 10 A. I'm looking for the name to make sure I'm looking at
10:10AM 11 right one.

10:10AM 12 Q. Yeah.

10:10AM 13 **MR. MacKAY:** Ms. Champoux --

10:10AM 14 **THE CLERK:** I'm sorry, is this in evidence?

10:10AM 15 **MR. MacKAY:** Yes.

10:10AM 16 **THE CLERK:** Is it 9-E, as in Edward?

10:10AM 17 **MR. MacKAY:** Is it shown for the jury as well, too?

10:10AM 18 **THE CLERK:** It is now.

10:10AM 19 **THE WITNESS:** I see it, yes, it's for R.K.

10:10AM 20 **BY MR. MacKAY:**

10:10AM 21 Q. So -- so, this was the CS establishment form for R.K. We
10:10AM 22 can un-minimize it. And going back to block 20, do you see
10:10AM 23 the phone number that's associated with him?

10:10AM 24 A. I do.

10:10AM 25 Q. It's 716-935-0252?

10:10AM 1 A. Yes.

10:10AM 2 **MR. MacKAY:** Can we take this down, Ms. Champoux.

10:10AM 3 Can we go back to the Mettal document?

10:10AM 4 Can you control F, search for that same number,
10:11AM 5 935-0252. Okay.

10:11AM 6 It's not OCR, so let's do it this way. Can we scroll
10:11AM 7 down -- go down to the next page, Ms. Champoux, please? One
10:11AM 8 more page, please. One more page.

10:11AM 9 **BY MR. MacKAY:**

10:11AM 10 Q. Okay. Do you see where I'm indicating?

10:11AM 11 A. Yes.

10:11AM 12 Q. Do you see that's R.K.'s number there?

10:11AM 13 A. Yes. Row 95.

10:11AM 14 Q. Okay. And from what you can see from this report, it
10:11AM 15 looks like there are three telephone calls with Robert
10:11AM 16 Mettal, correct?

10:11AM 17 A. Yes.

10:11AM 18 Q. And we know that happens, from what you can see from the
10:12AM 19 report, sorry, not very accurate with these marks, we can see
10:12AM 20 that the date range in the report is May 17th, 2013 to
10:12AM 21 May 17th, 2013, correct?

10:12AM 22 A. Yes.

10:12AM 23 Q. So, it looks, again, interpreting what that third column
10:12AM 24 means, it looks like the only, so, when this -- this list was
10:12AM 25 run, the only information about R.K.'s phone number connected

10:12AM 1 to Mr. Mettal's phone number is limited to that one date on
10:12AM 2 May 17th, correct?

10:12AM 3 A. Yes.

10:12AM 4 Q. It's all the records that were returned, correct? It's
10:12AM 5 all the information -- it's all the information that's being
10:12AM 6 returned about that phone number between that date, correct?

10:12AM 7 A. Available in that particular case on -- in PenLink on
10:12AM 8 that day, yes.

10:12AM 9 Q. Right. So, so, again, what this line indicates is that
10:13AM 10 there appear to be three calls between R.K. and Robert Mettal
10:13AM 11 on May 17th, 2013, correct?

10:13AM 12 A. Yes.

10:13AM 13 Q. Okay. And in your experience with these lists, you can't
10:13AM 14 tell if the calls were connected or not, correct?

10:13AM 15 A. Not from this list, you would need to look at the actual
10:13AM 16 returned records.

10:13AM 17 Q. Okay. But at least this indicates that there's some
10:13AM 18 attempted contact or contact between those two phone numbers
10:13AM 19 on that specific date, correct?

10:13AM 20 A. Yes.

10:13AM 21 **MR. MacKAY:** You can take that down, Ms. Champoux.

10:13AM 22 Can we go to two down, Moynihan M, phone info.

10:13AM 23 **BY MR. MacKAY:**

10:13AM 24 Q. Again, this is another one of those subscriber returns,
10:13AM 25 and it's for the individual named Michael Moynihan, correct?

10:13AM 1 A. Yes.

10:13AM 2 Q. Again, it's associated with the Wayne Anderson file
10:14AM 3 number, correct?

10:14AM 4 A. Yes.

10:14AM 5 Q. And like prior versions of this document we've seen, it's
10:14AM 6 got Mr. Bongiovanni's name on the top of the subscriber
10:14AM 7 information return and handwriting?

10:14AM 8 A. His nickname, yes.

10:14AM 9 Q. Yeah. And as you've said, you indicate this generally
10:14AM 10 means to you that it's an intel analyst providing this
10:14AM 11 document to Mr. Bongiovanni, correct?

10:14AM 12 A. Yes.

10:14AM 13 Q. Okay.

10:14AM 14 **MR. MacKAY:** Let's go to the next page.

10:14AM 15 **BY MR. MacKAY:**

10:14AM 16 Q. Again, we went through this before with Michael
10:14AM 17 Masecchia, but this is one of these same things, it's a
10:14AM 18 subpoena return package for the number for Michael Moynihan,
10:14AM 19 correct?

10:14AM 20 A. Yes.

10:14AM 21 Q. Again, prepared by Justin Borst the intel analyst,
10:14AM 22 correct?

10:14AM 23 A. Yes.

10:14AM 24 Q. And it looks like the prepared date was April 19th, 2013,
10:14AM 25 correct?

10:14AM 1 A. Yes.

10:14AM 2 Q. Now, in your experience, when numbers are subpoenaed back
10:15AM 3 around this point in time and they're done solely through
10:15AM 4 this DARTS system and it's all electronic subpoena and
10:15AM 5 return, approximately how long do you remember it took to
10:15AM 6 actually get the return back?

10:15AM 7 A. So, my experience with it is later, just for
10:15AM 8 clarification, but similar, it could be relatively quick.

10:15AM 9 Sprint may be a day to a week on the long end. And that
10:15AM 10 wouldn't happen very often.

10:15AM 11 Q. Okay. Okay. Can we go to the -- so, it looks like from
10:15AM 12 what we can see here the prepared date is April 19th, 2013,
10:15AM 13 correct?

10:15AM 14 A. Yes.

10:15AM 15 **MR. MacKAY:** Let's go to the next page.

10:15AM 16 **BY MR. MacKAY:**

10:15AM 17 Q. Okay. And then, again, we see one of these hot sheet
10:15AM 18 produced again?

10:15AM 19 A. Yes.

10:15AM 20 Q. This one is April 24th, 2013, correct?

10:16AM 21 A. Yes, it is.

10:16AM 22 Q. So, based on what you saw on the prior page, it looks
10:16AM 23 like subpoenas prepared on the 19th and then by the 24th,
10:16AM 24 there's enough information back to run one of these hot
10:16AM 25 sheets, correct?

10:16AM 1 A. Yes.

10:16AM 2 Q. And there what you can see based on the dialed name
10:16AM 3 column that a lot of those are no subscribers. Do you
10:16AM 4 understand that to be sort of as you explained, an early step
10:16AM 5 in an investigation with this number?

10:16AM 6 A. Yes.

10:16AM 7 Q. Because at this point, there's no subscribers identified
10:16AM 8 with any of the numbers that are calling or being called by
10:16AM 9 Mike Moynihan's phone, correct?

10:16AM 10 A. Well, there's -- I see at least one. You'd have to
10:16AM 11 scroll through the rest of the document to know how many, but
10:16AM 12 there aren't many.

10:16AM 13 Q. Okay. So, again, in your experience this is generally
10:16AM 14 early on in an investigation because from what you can see,
10:16AM 15 there's not a lot of information available yet for this
10:16AM 16 report, correct?

10:16AM 17 A. At least from this page, yes.

10:16AM 18 Q. Okay.

10:17AM 19 **MR. MacKAY:** Can we zoom out and scroll down a little
10:17AM 20 bit, Ms. Champoux? I want to catch a little more of the page.
10:17AM 21 Okay.

10:17AM 22 **BY MR. MacKAY:**

10:17AM 23 Q. I mean, like you said, you do see some names that are
10:17AM 24 already identified, correct?

10:17AM 25 A. I see two on this page.

10:17AM 1 Q. Do you actually see three?

10:17AM 2 A. Oh, I'm sorry, I was looking in the address column. Yes,
10:17AM 3 I see three.

10:17AM 4 Q. So, Tom Serio and Chris Baker, correct?

10:17AM 5 A. Yes. And Robert Rine.

10:17AM 6 Q. Yeah. Now, Robert Rine, did you understand his name to
10:17AM 7 have some significance around the time Ron Serio was
10:17AM 8 arrested?

10:17AM 9 A. Some. That's not the thing that I remember the most
10:17AM 10 about Robert Rine though, no.

10:17AM 11 Q. Okay. What do you remember about Robert Rine?

10:17AM 12 **MR. TRIPI:** Objection, hearsay. Any awareness would
10:18AM 13 come through hearsay from a witness who has yet to testify in
10:18AM 14 this trial.

10:18AM 15 **THE COURT:** No, I disagree with that, it could come
10:18AM 16 from reviewing a file, it could come from a lot of different
10:18AM 17 things.

10:18AM 18 **BY MR. MacKAY:**

10:18AM 19 Q. Yeah, I mean, if you know, what do you recall about
10:18AM 20 Robert Rine?

10:18AM 21 **MR. TRIPI:** Judge, same objection. Unless he's going
10:18AM 22 to ask him if you reviewed that name in the file, same
10:18AM 23 objection. Then it's going to come from hearsay.

10:18AM 24 **THE COURT:** Overruled.

10:18AM 25 **THE WITNESS:** My awareness is from an interview of

10:18AM 1 another person.

10:18AM 2 **BY MR. MacKAY:**

10:18AM 3 Q. Was that Ron Serio?

10:18AM 4 A. Yes.

10:18AM 5 Q. Okay. So, we'll leave that at this point for now.

10:18AM 6 But back to this hot sheet. What it shows is that this

10:18AM 7 Mike Moynihan individual appears to be in contact with Tom

10:18AM 8 Serio and Chris Baker, correct?

10:18AM 9 A. Yes.

10:18AM 10 **MR. MacKAY:** Can we go to the next page of this

10:18AM 11 Ms. Champoux?

10:18AM 12 **BY MR. MacKAY:**

10:18AM 13 Q. Again, the second page has a couple -- it's fair to say

10:19AM 14 it's mostly no subscribers, but there looks like there's

10:19AM 15 three names that are identified?

10:19AM 16 A. Yes.

10:19AM 17 Q. And that's Mark Falzone, Michael Buttitta, and it's Chris

10:19AM 18 Baker again, correct?

10:19AM 19 A. Yes.

10:19AM 20 Q. And again, those are names that you recall seeing on

10:19AM 21 Government Exhibit 100E-1, the handwritten note?

10:19AM 22 A. Yes.

10:19AM 23 **MR. MacKAY:** All right. Can we take this document

10:19AM 24 down, Ms. Champoux?

10:19AM 25 Can we pull up Oddo NADDIS record?

10:19AM

1 BY MR. MacKAY:

2 Q. Okay. Similar to the Jeremie Jones documents, it appears
3 to be a mugshot of David Oddo?

4 A. Yes.

5 MR. MacKAY: Can we go to the next page,
6 Ms. Champoux?

7 BY MR. MacKAY:

8 Q. Okay. Up at the top, if you can see it, do you see the
9 date it was run?

10 A. July 2nd, 2012.

11 Q. It's being run by Shane Nastoff, correct?

12 A. Yes.

13 Q. Okay. And this is back then in the summer of 2012 before
14 the Wayne Anderson file was opened, correct?

15 A. Yes.

16 Q. Okay.

17 MR. MacKAY: All right. Can we take that down,
18 Ms. Champoux?

19 Actually, I'm sorry, can we leave that up one more
20 time?

21 BY MR. MacKAY:

22 Q. Now, at the bottom of this page, do you see there's an
23 associated case number?

24 A. Yes.

25 Q. And the file title appears to be Fred Weir?

10:20AM 1 A. Yes.

10:20AM 2 Q. Okay. Do you recall that name coming up in some of the
10:20AM 3 hot sheets that we've looked at before?

10:20AM 4 A. I remember seeing it in the file, yes.

10:20AM 5 Q. Okay. And that indicates, we talked about NADDIS records
10:20AM 6 a little bit, but what that entry indicates is the DEA had a
10:20AM 7 file on Fred Weir at some point in time in the past before
10:20AM 8 this report was run, correct?

10:20AM 9 A. Yes.

10:20AM 10 **MR. MacKAY:** All right. Can we take this down
10:20AM 11 Ms. Champoux? Can we pull up two more down, its Robert Mettal
10:21AM 12 misc. Zoom out, please.

10:21AM 13 **BY MR. MacKAY:**

10:21AM 14 Q. Similar to both Oddo and Jeremie Jones, this appears to
10:21AM 15 be a mugshot of Robert Mettal, correct?

10:21AM 16 A. Yes.

10:21AM 17 Q. It looks like there's even a phone number associated with
10:21AM 18 it, correct?

10:21AM 19 A. Yes.

10:21AM 20 Q. Okay. And you recall, you recall seeing that number in
10:21AM 21 one of the Robert Mettal subpoena documents that we looked at
10:21AM 22 before?

10:21AM 23 A. I remember a 516 number, yes.

10:21AM 24 **MR. MacKAY:** Okay. Go to the next page,
10:21AM 25 Ms. Champoux, please?

10:21AM

1 BY MR. MacKAY:

2 Q. Again, we did this with Jeremie Jones, but again, what
3 we're looking at right now is a Buffalo Police Department
4 booking sheet. So, that would indicate something associated
5 with an arrest Robert Mettal had by Buffalo police?

6 A. Yes.

7 Q. Okay. And this report, if you look at the upper
8 right-hand corner, appears to be run by Joseph Palmieri?

9 A. Yes. But could we zoom on that, please? Or just make
10 the document larger? Thank you.

11 Yes. Joseph Palmieri.

12 Q. And the report dates May 6th, 2013, correct?

13 A. Yes.

14 Q. So, pulling booking data sheets, that's an investigative
15 procedure DEA agents do from time to time, correct?

16 A. Background checks like this, yes.

17 Q. Yes. So, that's what I'm asking, this is part of a
18 background check into a specific individual, correct?

19 A. Yes.

20 Q. And do you recall that some of the documents we've shown
21 that identify Mr. Phone -- Mr. Mettal's phone activity, those
22 were in 2013, correct?

23 A. Yes.

24 Q. Okay.

25 MR. MacKAY: All right. Can we take that down,

10:22AM 1 Ms. Champoux? Can we go to Serio real property recs?

10:23AM 2 Okay. Can we zoom out a little bit?

10:22AM 3 **BY MR. MacKAY:**

10:23AM 4 Q. Okay. And can you see at the bottom there's a date of

10:23AM 5 May 22nd, 2013?

10:23AM 6 A. Yes.

10:23AM 7 Q. So, this is occurring kind of around the same time in May

10:23AM 8 of 2013 from the document we just looked at, correct?

10:23AM 9 A. Yes.

10:23AM 10 Q. And this is, you know, again, we're all, fair to say that

10:23AM 11 most of the documents that we've been looking at so far, they

10:23AM 12 reflect activity occurring in March, April, and May of 2013?

10:23AM 13 A. Yes.

10:23AM 14 Q. Okay. And what does this appear to be to you?

10:23AM 15 A. It's from -- looks like it's from Google Maps.

10:23AM 16 Somebody's looking at something on an internet browser and

10:23AM 17 printed part of page 2 or all of page 2 of a three-page

10:23AM 18 document.

10:23AM 19 Q. Okay. Do you understand, do you understand from the file

10:23AM 20 from your review of the Wayne Anderson file, any of these

10:24AM 21 addresses to have any connection to Ron Serio?

10:24AM 22 A. I see 467 and 469 Tacoma.

10:24AM 23 Q. Okay. And do you recall from your review of the file the

10:24AM 24 132 Rhode Island --

10:24AM 25 A. That was.

10:24AM 1 Q. -- address having some investigative activity associated
10:24AM 2 with it?

10:24AM 3 **MR. TRIPI:** Objection.

10:24AM 4 **THE COURT:** What's the basis for that?

10:24AM 5 **MR. TRIPI:** 602, investigative activity in the file
10:24AM 6 from this.

10:24AM 7 **THE COURT:** From this, no, he's not asking that, he's
10:24AM 8 asking whether there was activity in the file shown with
10:24AM 9 respect to this address. What's wrong with that?

10:24AM 10 **MR. TRIPI:** I'll withdraw it. Sorry.

10:24AM 11 **THE WITNESS:** The picture. But I'm unaware of
10:24AM 12 anything else.

10:24AM 13 **BY MR. MacKAY:**

10:24AM 14 Q. Okay. And specifically on this document, we see 132
10:24AM 15 Rhode Island circled and highlighted, correct?

10:24AM 16 A. It is.

10:24AM 17 Q. And it looks like somebody wrote in a date of
10:25AM 18 October 12th, 2012, correct?

10:25AM 19 A. Yes.

10:25AM 20 Q. So, and that's a date prior to the Wayne Anderson file
10:25AM 21 having been opened, correct?

10:25AM 22 A. Yes.

10:25AM 23 Q. So, I mean, just at least from what you can see here,
10:25AM 24 that there's some focus on 132 Rhode Island, the address of
10:25AM 25 132 Rhode Island before the Wayne Anderson file is ever even

10:25AM 1 opened?

10:25AM 2 **MR. TRIPI:** Objection.

10:25AM 3 **THE COURT:** Yeah, sustained to the form of the
10:25AM 4 question.

10:25AM 5 **BY MR. MacKAY:**

10:25AM 6 Q. But in any event, the October date that's listed here,
10:25AM 7 that's at least several weeks before Wayne Anderson, that
10:25AM 8 file was opened, correct?

10:25AM 9 A. The date is, but --

10:25AM 10 Q. Yeah.

10:25AM 11 A. -- this couldn't have been written before May 22nd or
10:25AM 12 3rd, or whatever it is, so I have no idea what it means.

10:25AM 13 Q. Right. So, I mean, the number, the date at the bottom,
10:25AM 14 do you understand that to be a date that the report is run?

10:25AM 15 A. This is -- it's a -- it looks like a printout of a web
10:26AM 16 browser like I said was done in May of 2013.

10:26AM 17 Q. Right. So, what you can see from the report. It looks
10:26AM 18 like this is a page printed out where the report is run on
10:26AM 19 May 22nd of 2013, correct?

10:26AM 20 A. Yes.

10:26AM 21 Q. And then somebody is circling the 132 Rhode Island Street
10:26AM 22 and writing a date of 10/12/2012 there, correct?

10:26AM 23 A. Yes.

10:26AM 24 Q. Okay.

10:26AM 25 **MR. MacKAY:** And you can take that down,

10:26AM 1 Ms. Champoux. And can we pull up -- it's T.S. rap sheet. Or
10:26AM 2 S.T. rap sheet.

10:26AM 3 **BY MR. MacKAY:**

10:26AM 4 Q. Okay. Again, the T.S. name, that's a name you saw within
10:26AM 5 the Wayne Anderson file, correct?

10:26AM 6 A. Yes.

10:26AM 7 Q. And you -- do you recall him having some association in
10:26AM 8 some fashion with R.K., the confidential source?

10:26AM 9 A. Yes.

10:26AM 10 Q. Okay. Again, this is a triple I check record done by
10:26AM 11 Mr. Bongiovanni on April 19 of 2013, correct?

10:27AM 12 A. Yes.

10:27AM 13 Q. And do you recall that April 19, 2013 date being the same
10:27AM 14 date as one of the hot sheets that was run for Ron Serio's
10:27AM 15 cell phone number?

10:27AM 16 A. Yes.

10:27AM 17 Q. So it appears at least from what you can see from the
10:27AM 18 records that Tom Serio's number's appearing in a hot sheet
10:27AM 19 for Ron Serio on the same date that Mr. Bongiovanni is
10:27AM 20 running Mr. T.S.'s name to see if there's a -- any criminal
10:27AM 21 history for Mr. T.S.?

10:27AM 22 A. I think you said Tom Serio's number and then --

10:27AM 23 Q. I might have misspoken.

10:27AM 24 A. -- Mr. T.S.'s name. Which one do you mean?

10:27AM 25 Q. Yeah, I'm sorry, I misspoke there.

10:27AM 1 From the records you've reviewed, you can see that on the
10:27AM 2 same date T.S.'s name is showing up in a hot sheet for Ron
10:27AM 3 Serio's number, Mr. Bongiovanni appears to be running a
10:27AM 4 report to see if Mr. T.S. has any criminal history, correct?
10:27AM 5 A. Yes.

10:27AM 6 **THE COURT:** Mr. MacKay, do you have a sense of how
10:28AM 7 much longer you're going to be?

10:28AM 8 **MR. MacKAY:** 45 minutes.

10:28AM 9 **THE COURT:** Okay. So let's take a break, folks.

10:28AM 10 Remember my instructions about not talking about the
10:28AM 11 case, even with each other, and not making up your minds.

10:28AM 12 See you back here in about ten or 15 minutes.

10:28AM 13 (Jury excused at 10:28 a.m.)

10:28AM 14 **THE COURT:** Okay. Anything for the record before we
10:28AM 15 break, Mr. MacKay?

10:28AM 16 **MR. MacKAY:** No, Your Honor.

10:28AM 17 **THE COURT:** Mr. Tripi.

10:29AM 18 **MR. TRIPI:** No, thank you, Judge.

10:29AM 19 **THE COURT:** Okay, see you in a few minutes.

10:29AM 20 **THE CLERK:** All rise.

10:29AM 21 (Off the record at 10:29 a.m.)

10:48AM 22 (Back on the record at 10:48 a.m.)

10:48AM 23 (Jury not present.)

10:48AM 24 **THE CLERK:** All rise.

10:48AM 25 **THE COURT:** Please be seated.

10:48AM 1 **THE CLERK:** We are back on the record for the
10:48AM 2 continuation of the jury trial in case number 19-cr-227,
10:48AM 3 United States of America versus Joseph Bongiovanni.

10:48AM 4 All counsel and parties are present.

10:48AM 5 **THE COURT:** Ready to go?

10:48AM 6 **MR. MacKAY:** I am.

10:48AM 7 **THE COURT:** Anything?

10:48AM 8 **MR. TRIPI:** No.

10:48AM 9 **THE COURT:** Let's bring them in, please. Let's get
10:48AM 10 the witness in, too.

10:49AM 11 **MR. MacKAY:** Judge, I think I'm well more than
10:49AM 12 halfway done. I'm just having trouble estimating time.

10:49AM 13 **THE COURT:** No, no, no, look it, I understand.

10:50AM 14 (Witness and Jury seated at 10:50 a.m.)

10:50AM 15 **THE COURT:** The report will reflect that all our
10:50AM 16 jurors, again, are present.

10:50AM 17 I remind the witness he's still under oath.

10:50AM 18 And, Mr. MacKay, you may continue.

10:50AM 19 **BY MR. MacKAY:**

10:50AM 20 Q. Agent Ryan, before I continue, I want to go back and
10:50AM 21 clarify something we were talking about and make sure I'm
10:50AM 22 clear on it.

10:50AM 23 **MR. MacKAY:** Ms. Champoux, can we go back to the
10:50AM 24 Government Exhibit 100A.1, and can we pull up the C Baker toll
10:50AM 25 analysis?

10:50AM

1 BY MR. MacKAY:

2 Q. Okay. We looked at this before. This was a subpoena
3 return you understood for Chris Baker, correct?

4 A. It's -- this is not the actual return, this is the
5 information loaded into PenLink, I think.

6 Q. Okay. And then the phone number, the 830-3226 number,
7 you understood that to be associated with Ron Serio?

8 A. I don't remember the phone number from the case. I can't
9 remember without looking at records.

10 Q. Okay.

11 A. If it's -- I mean, according to this, it's Chris Baker.
12 I need to look at something else to see if there's another
13 record that associates it's Ron Serio.

14 Q. Okay. But what I want to --

15 MR. MacKAY: Can we go to page 2 again. All right.

16 BY MR. MacKAY:

17 Q. So, I just want to focus in on something I think you told
18 us earlier. This was a hot sheet, and this is one of the
19 ones that has primarily no subscribers on it, correct?

20 A. Right, it's mostly no subscribers.

21 Q. Right. Meaning that there's no subscriber information
22 known for the phone numbers, correct?

23 A. For the ones that say no subscriber, that's correct.

24 Q. Right. And so what it means is if you've got an entry
25 like this, indicating line 7 where it says Tom Serio is, you

10:51AM 1 know, in the -- instead of no subscriber, that means -- am I
10:52AM 2 understanding it to mean that Tom Serio's number is already
10:52AM 3 in the DARTS system?

10:52AM 4 A. No. This is separate from DARTS.

10:52AM 5 Q. Okay.

10:52AM 6 A. So, DARTS deconflicts telephone numbers and generates
10:52AM 7 subpoenas. Very generally, right.

10:52AM 8 Q. Yeah. Why would Tom Serio's name already be in one of
10:52AM 9 these hot sheet lists rather than one with no subscriber?

10:52AM 10 A. Because there was a previous subpoena return for that
10:52AM 11 phone, that 561 phone number, that's been you uploaded to
10:52AM 12 this set of data in PenLink.

10:52AM 13 Q. Okay. So, if you see no subscriber in one of these
10:52AM 14 reports, it means there's never been a subpoena to that
10:52AM 15 number before?

10:52AM 16 A. No.

10:52AM 17 Q. What does it mean then? Or did you say no, as in there's
10:52AM 18 never been a subpoena?

10:52AM 19 A. I'm saying it doesn't necessarily mean that, because
10:52AM 20 you're talking about two different -- two different
10:52AM 21 databases.

10:52AM 22 So PenLink is small, local. It only has what, you know,
10:53AM 23 what you put in it.

10:53AM 24 If my recollection is correct, even the data within
10:53AM 25 PenLink is separated by cases. So, I mean, so you were

10:53AM 1 asking about a phone number that says no subscriber, right?

10:53AM 2 Q. Right.

10:53AM 3 A. It could be identified -- I think I'm correct about this,

10:53AM 4 it could be identified in 15 other cases in PenLink, but it's

10:53AM 5 not identified in this one.

10:53AM 6 Q. Okay.

10:53AM 7 A. But if it's -- once it goes into DARTS, it's in DARTS.

10:53AM 8 Q. Okay. So in your experience, when an agent receives one

10:53AM 9 of those hot lists and sees no subscriber, that's generally

10:53AM 10 an indication that they're going to need to subpoena that

10:53AM 11 number to get the information and to find out who the

10:53AM 12 subscriber is?

10:53AM 13 A. Yes.

10:53AM 14 **MR. MacKAY:** So can we go to the next page of this
10:53AM 15 document?

10:53AM 16 **BY MR. MacKAY:**

10:53AM 17 Q. All right. There up at the top, the 812-0664 number,

10:53AM 18 that you recall to be Michael Masecchia's number?

10:53AM 19 A. I think that's correct.

10:54AM 20 Q. So in this column we see that it's no subscriber,

10:54AM 21 correct?

10:54AM 22 A. Yes.

10:54AM 23 Q. So, that means to you that within the context of a

10:54AM 24 PenLink, Michael Masecchia's name and number have never been

10:54AM 25 associated there before? That's what I'm trying to

10:54AM 1 understand.

10:54AM 2 A. In this data set.

10:54AM 3 Q. Okay.

10:54AM 4 A. It's my recollection that PenLink is the data sets were
10:54AM 5 unique by case. So each time you started a case, you were
10:54AM 6 starting from scratch in PenLink to build a new data set.

10:54AM 7 Q. Okay. And then I think we did this before, but this hot
10:54AM 8 sheet's run on March 19, 2013, correct?

10:54AM 9 A. Yes.

10:54AM 10 Q. Okay.

10:54AM 11 **MR. MacKAY:** Ms. Champoux, can you pull up Government
10:54AM 12 Exhibit 8A, page 348.

10:54AM 13 **BY MR. MacKAY:**

10:54AM 14 Q. Okay. And this appears to be a subpoena cover letter for
10:54AM 15 a subpoena that's generated in connection with the Wayne
10:55AM 16 Anderson case, correct?

10:55AM 17 A. It looks like it's from Sprint to Justin Borst in
10:55AM 18 connection with the Wayne Anderson case.

10:55AM 19 Q. Okay. So it's the subpoena -- it's the return side of
10:55AM 20 the subpoena, correct?

10:55AM 21 A. Yes.

10:55AM 22 Q. And that's coming back on March 20th, 2013?

10:55AM 23 A. Yes.

10:55AM 24 Q. Okay.

10:55AM 25 **MR. MacKAY:** And then can we go to the next page,

10:55AM 1 please, Ms. Champoux.

10:55AM 2 **BY MR. MacKAY:**

10:55AM 3 Q. And it looks like it's that same 812-0664 number,
10:55AM 4 correct?

10:55AM 5 A. Yes.

10:55AM 6 Q. So what this is telling you, at least looking at the
10:55AM 7 records, is that Justin Borst is getting back a subpoena
10:55AM 8 return regarding this number on -- or at least it was -- the
10:55AM 9 return was sent from Sprint on March 20th, 2013, correct?

10:55AM 10 A. Yes.

10:55AM 11 Q. And then what we just looked at over in the Government
10:55AM 12 Exhibit 100A.1 file, when the report had been run on
10:55AM 13 March 19th, 2013 there was no name associated with that
10:55AM 14 812-0664 number at that time, correct?

10:56AM 15 A. In the PenLink.

10:56AM 16 Q. In PenLink.

10:56AM 17 So at least from what you can see from the documents, it
10:56AM 18 looks like following the PenLink or around the same time, I'm
10:56AM 19 sorry, following the generation of a hot sheet, Justin Borst
10:56AM 20 sent out a subpoena for that 812-0664 number?

10:56AM 21 A. Yes.

10:56AM 22 Q. And you know it was Justin Borst because it indicates he
10:56AM 23 was the individual to receive the return, correct?

10:56AM 24 A. Yes.

10:56AM 25 Q. All right.

10:56AM 1 **MR. MacKAY:** You can take that down, Ms. Champoux.

10:56AM 2 Can we go to the Tripi OCDETF proposal in Government

10:56AM 3 Exhibit 100A.1.

10:56AM 4 **BY MR. MacKAY:**

10:56AM 5 Q. Okay. And you went through this document quite a bit on

10:57AM 6 direct; do you remember that?

10:57AM 7 A. I do.

10:57AM 8 Q. This is what you understand to be a draft OCDETF proposal

10:57AM 9 regarding Operation Past Due, correct?

10:57AM 10 A. Yes.

10:57AM 11 Q. Now, based on some of the names that are here, you see

10:57AM 12 Special Agent Dave Turri of the IRS, correct?

10:57AM 13 A. I do.

10:57AM 14 Q. TFA Chris Clark, he's with the DEA, correct?

10:57AM 15 A. Yes.

10:57AM 16 Q. And then Tim Lynch who is with the U.S. Attorney's

10:57AM 17 Office, correct?

10:57AM 18 A. Yes.

10:57AM 19 Q. Now, two of those three names, Dave Turri and Tim Lynch,

10:57AM 20 you understood from the review of the file to be associated

10:57AM 21 with the Wayne Anderson case, correct?

10:57AM 22 A. Yes.

10:57AM 23 **MR. MacKAY:** Can we scroll down to page 6.

10:57AM 24 **BY MR. MacKAY:**

10:57AM 25 Q. Now, in this box for Section 8, it looks like there's --

10:57AM 1 it's indicating in some fashion that intel analyst Steve
10:58AM 2 Bevilacqua is going to be involved in this operation?

10:58AM 3 A. It looks like he's identified as having sent information
10:58AM 4 to SOD already.

10:58AM 5 Q. What does that mean?

10:58AM 6 A. Well, it says communication devices previously submitted
10:58AM 7 to SOD. Yes. And then submitted by, and it says I.A.

10:58AM 8 Stephen Bevilacqua.

10:58AM 9 Q. Okay. So, is it fair to say from this part of the record
10:58AM 10 Stephen Bevilacqua is intended to have some interaction with
10:58AM 11 the OCDETF operations being drafted?

10:58AM 12 A. Or he had already done something in support of it, yes.

10:58AM 13 Q. Yeah. I guess that's what I'm asking. Him showing up
10:58AM 14 here shows he's done some work or might do some work if this
10:58AM 15 project gets off the ground, correct?

10:58AM 16 A. Well, I don't know if I agree with gets off the ground.

10:58AM 17 It's not really at that stage. Right, if this operation is
10:59AM 18 approved, there was a case that was already going.

10:59AM 19 Q. Okay. And it looks like this is being generated on or
10:59AM 20 about March 13th of 2013, from what you can see?

10:59AM 21 A. It looks like that's that he made the submission to SOD.

10:59AM 22 Q. Okay. And do you understand from your review of the
10:59AM 23 file, of your review of the Wayne Anderson file, that Stephen
10:59AM 24 Bevilacqua had performed some work in connection with the
10:59AM 25 Wayne Anderson file?

10:59AM 1 A. I think he had, yes.

10:59AM 2 Q. All right. And we've talked about the name Justin Borst,
10:59AM 3 he's also an -- Stephen Bevilacqua is also an intel analyst
10:59AM 4 at the time at the DEA, correct?

10:59AM 5 A. I think so. I wasn't there then, but I think he was
10:59AM 6 there then.

10:59AM 7 **MR. MacKAY:** Okay. Can we go to page 8.

10:59AM 8 **BY MR. MacKAY:**

11:00AM 9 Q. We don't have to go through all of the information in
11:00AM 10 here, but this is essentially the background of the facts of
11:00AM 11 the case that would support why an operation is being
11:00AM 12 proposed?

11:00AM 13 A. Yes.

11:00AM 14 Q. Targets were involved in debt collection, to your
11:00AM 15 understanding, correct?

11:00AM 16 A. Yes.

11:00AM 17 Q. They're also involved in marijuana trafficking in some
11:00AM 18 connection, correct?

11:00AM 19 A. Yes.

11:00AM 20 Q. And this arose at least from what you can see from the
11:00AM 21 report here something regarding the Niagara Falls Police
11:00AM 22 Department having some sort of confidential source regarding
11:00AM 23 marijuana dealers in the Niagara Falls area?

11:00AM 24 A. Yes.

11:00AM 25 **MR. MacKAY:** Can we go to the next page,

11:00AM 1 Ms. Champoux.

11:00AM 2 **BY MR. MacKAY:**

11:00AM 3 Q. All right. There's also information that targets in this
11:00AM 4 operation, proposed operation involving in cocaine
11:00AM 5 trafficking, correct?

11:01AM 6 A. Can we zoom back in, please? Yes.

11:01AM 7 Q. As well as heroin trafficking?

11:01AM 8 A. Yes.

11:01AM 9 Q. As well as money laundering?

11:01AM 10 A. Yes.

11:01AM 11 Q. There's information that the CS with the Niagara Falls
11:01AM 12 Police Department may also have information regarding the
11:01AM 13 money-laundering activities?

11:01AM 14 A. Are you pointing to a particular sentence?

11:01AM 15 Q. I'll just withdraw the question. I'll ask it this way.

11:01AM 16 So it appears that the proposed operation involved a CS
11:01AM 17 with a Niagara Falls Police Department, correct?

11:01AM 18 A. Yes.

11:01AM 19 Q. And that confidential source appeared to have some
11:01AM 20 information about what was going up -- what was going on up
11:01AM 21 in Niagara Falls, correct?

11:02AM 22 A. Yes.

11:02AM 23 Q. I think you told us on direct that this individual, Frank
11:02AM 24 Tripi, you believed he had, based on law enforcement
11:02AM 25 reputation, some connection to Italian Organized Crime,

11:02AM 1 correct?

11:02AM 2 A. Yes.

11:02AM 3 Q. That was possibly based on family connections?

11:02AM 4 A. Family connections, his past activity, it was just his
11:02AM 5 reputation.

11:02AM 6 Q. Okay. So I just want to review, the information that's

11:02AM 7 at least embodied in this report, is it fair to say there's

11:02AM 8 some of the same types of criminal activity being

11:02AM 9 investigated that the Ron Serio investigation with the Wayne
11:02AM 10 Anderson case focused on?

11:02AM 11 A. Are you saying the crossover with the types of drugs?

11:02AM 12 Q. Yes, for one.

11:02AM 13 A. I mean, the there's no mention of the counterfeit

11:02AM 14 oxycodone in here. There's mention of marijuana.

11:02AM 15 Q. Let me ask it this way. The Ron Serio investigation

11:02AM 16 that's being conducted back in 2013, that involved marijuana
11:02AM 17 to some degree, correct?

11:03AM 18 A. Yes.

11:03AM 19 Q. It involved at least the possibility of some cocaine
11:03AM 20 being investigated, correct?

11:03AM 21 A. Yes.

11:03AM 22 Q. And it involved money laundering as well, correct?

11:03AM 23 A. It did.

11:03AM 24 Q. And as we saw on the first page, some of the individuals
11:03AM 25 that are in this proposed operation are the same folks that

11:03AM 1 are also involved in the Wayne Anderson case as well, too,
11:03AM 2 correct?

11:03AM 3 A. Talking about Tim Lynch and --

11:03AM 4 Q. Yes.

11:03AM 5 A. Yes.

11:03AM 6 Q. And then there's also potential -- do you recall that the

11:03AM 7 Ron Serio investigation back in 2013, there was some thought

11:03AM 8 about connections to organized crime?

11:03AM 9 A. I don't remember seeing that in that file.

11:03AM 10 **MR. MacKAY:** You can take that down, Ms. Champoux.

11:03AM 11 **BY MR. MacKAY:**

11:03AM 12 Q. All right. So just to finish up, on your direct, you had

11:03AM 13 talked about you had been involved in a number of interviews

11:04AM 14 with other DEA employees of the Buffalo office, right?

11:04AM 15 A. No, I said that I was not involved with the interviews of
11:04AM 16 the DEA employees at the office.

11:04AM 17 Q. Okay. But I think you did tell us though that there were
11:04AM 18 a number of DEA officials that were interviewed in some
11:04AM 19 capacity, correct?

11:04AM 20 A. There were.

11:04AM 21 Q. Like, Joseph Palmieri, correct?

11:04AM 22 A. Yes.

11:04AM 23 Q. Mark Gentile?

11:04AM 24 A. I -- yes.

11:04AM 25 Q. Okay. Shane Nastoff, correct?

11:04AM 1 A. Yes.

11:04AM 2 Q. Mike Hill, correct?

11:04AM 3 A. I believe so, yes.

11:04AM 4 Q. Brian Chella, correct?

11:04AM 5 A. Yes.

11:04AM 6 Q. And I think you told us on direct there was a

11:04AM 7 characterization that some of these individuals were evasive

11:04AM 8 in their interviews?

11:04AM 9 A. So, I can only talk about the ones that I participated

11:04AM 10 in. I did talk to Mr. Palmieri. And I talked to Mr. Yensan.

11:04AM 11 I was part of those interviews.

11:04AM 12 Q. I left out the name, so, Mr. Yensan, he was at the time,

11:05AM 13 at one point in time a supervisor at the DEA, correct?

11:05AM 14 A. Yes.

11:05AM 15 Q. And, so from your testimony, you were saying that both

11:05AM 16 Yensan and Palmieri, in your opinion, presented as evasive,

11:05AM 17 correct?

11:05AM 18 A. Yes.

11:05AM 19 Q. And in response to that, those individuals were both sent

11:05AM 20 subject or target letters, correct?

11:05AM 21 A. Not solely in response to that, but ultimately that did

11:05AM 22 happen.

11:05AM 23 Q. Did you understand that at some point in time Greg Yensan

11:05AM 24 was moved out of a supervisor position at the DEA?

11:05AM 25 A. I do know that he moved out of his supervisory position,

11:05AM 1 yes.

11:05AM 2 Q. Okay. Now Shane Nastoff, he was an individual, I think
11:05AM 3 you said you might not have participated in the interview,
11:05AM 4 but you understand that he was interviewed in the context of
11:05AM 5 this whole case, correct?

11:05AM 6 A. Yes.

11:05AM 7 Q. And ultimately did you come to understand that he was
11:05AM 8 promoted to a group supervisor sometime following
11:05AM 9 Mr. Bongiovanni's retirement from the DEA?

11:05AM 10 A. He was promoted, yes.

11:05AM 11 Q. Okay. And just so the jury understands, what is a target
11:06AM 12 or subject letter?

11:06AM 13 A. It's a letter from the U.S. Attorney's Office to an
11:06AM 14 individual advising them that they're the target of an
11:06AM 15 investigation.

11:06AM 16 Q. All right.

11:06AM 17 **MR. MacKAY:** All right. Judge, can I just have one
11:06AM 18 moment?

11:06AM 19 **THE COURT:** Sure.

11:06AM 20 **MR. MacKAY:** No further questions, Your Honor.

11:06AM 21 **THE COURT:** Redirect.

11:06AM 22 **MR. TRIPI:** Yes, Your Honor, thank you.

11:06AM 23

11:06AM 24 **REDIRECT EXAMINATION BY MR. TRIPI:**

11:06AM 25 Q. So just to finish off that last thought, was Palmieri

11:06AM 1 served a subject letter before he was ever interviewed?

11:06AM 2 A. I don't recall the sequence.

11:06AM 3 Q. You don't recall? That was served by Special Agent
11:06AM 4 Carpenter, correct?

11:06AM 5 A. Yes.

11:06AM 6 Q. And then just remind us, yesterday you said he sat for
11:06AM 7 several interviewed and then polygraphed, right?

11:06AM 8 A. Yes.

11:06AM 9 Q. And then after all that, a federal search warrant was
11:06AM 10 executed at his residence, correct?

11:06AM 11 A. Yes.

11:06AM 12 Q. All right. I'm going to start with what was covered
11:07AM 13 today, and then I'm going to go back to yesterday, all right?

11:07AM 14 All right. Right out of the gate, I just want to ask
11:07AM 15 you, you know, working as a DEA task force officer, do DEA
11:07AM 16 standards of conduct preclude agents and task force officers
11:07AM 17 from associating with known felons, drug dealers, and people
11:07AM 18 under investigation?

11:07AM 19 A. Yes.

11:07AM 20 **MR. TRIPI:** Let's pull up Exhibit 127.

11:07AM 21 **BY MR. TRIPI:**

11:07AM 22 Q. As of June 30th, 2018, was Peter Gerace a federally
11:07AM 23 convicted felon?

11:07AM 24 A. Yes.

11:07AM 25 Q. As of June 30th, 2018, was Peter Gerace a suspected drug

11:07AM 1 dealer?

11:07AM 2 A. Yes.

11:07AM 3 Q. As of June 30th, 2018, was Peter Gerace someone who law
11:07AM 4 enforcement was -- had an investigative interest in?

11:07AM 5 A. Yes.

11:07AM 6 Q. So, all three of those things apply to Mr. Gerace who's
11:08AM 7 standing next to this defendant, right?

11:08AM 8 A. They do.

11:08AM 9 Q. Okay.

11:08AM 10 **MR. TRIPI:** Let's take that down.

11:08AM 11 **BY MR. TRIPI:**

11:08AM 12 Q. Now, from your time working at DEA, as well as your time
11:08AM 13 as a special agent for several agencies that are involved in
11:08AM 14 investigations, is it the case agent's job to make sure all
11:08AM 15 pertinent paperwork gets to the official file?

11:08AM 16 A. Yes.

11:08AM 17 Q. Okay. So here, all of those hot sheets and subpoena
11:08AM 18 responses that Mr. MacKay showed you, were any of those in
11:08AM 19 the official DEA paper file that DEA had access to when you
11:08AM 20 got the file?

11:08AM 21 A. I saw the scan of the official file.

11:08AM 22 Q. Right.

11:08AM 23 A. None of those were in the scan, or not all of those were
11:08AM 24 in the scan.

11:08AM 25 **MR. TRIPI:** Let's pull up 8A, Ms. Champoux.

11:08AM 1 BY MR. TRIPI:

11:09AM 2 Q. You've seen this file, right?

11:09AM 3 A. This is 1326, yes.

11:09AM 4 Q. Have you seen a hot sheet in this paper file?

11:09AM 5 A. No.

11:09AM 6 Q. Have you seen a hot sheet in the case management system

11:09AM 7 file for C2-13-0026?

11:09AM 8 A. No.

11:09AM 9 Q. Did you see a hot sheet for Tom Serio in this paper file?

11:09AM 10 A. No.

11:09AM 11 Q. Did you see a hot sheet for Chris Baker in this paper

11:09AM 12 file?

11:09AM 13 A. No.

11:09AM 14 Q. Did you see a hot sheet for Mike Moynihan in this paper

11:09AM 15 file?

11:09AM 16 A. No.

11:09AM 17 Q. Did you see any of the documents that Mr. MacKay showed

11:09AM 18 you regarding Mike Masecchia, the DARTS screen prints in this

11:09AM 19 file?

11:09AM 20 A. No.

11:09AM 21 Q. What file did you see those in?

11:09AM 22 A. The Redweld that we found in Mr. Bongiovanni's house.

11:09AM 23 Q. Is that the only place you saw those documents?

11:09AM 24 A. Yes.

11:09AM 25 Q. All those documents in the defendant's basement are DEA

11:09AM 1 property though, right?

11:10AM 2 A. They're DEA records, yes.

11:10AM 3 Q. Just because he's a case agent, it doesn't make them his,
11:10AM 4 correct?

11:10AM 5 A. Correct.

11:10AM 6 Q. You've been involved in drug investigations for a long
11:10AM 7 time; is that right?

11:10AM 8 A. Yes.

11:10AM 9 Q. In all of those cases, have you ever made a drug case
11:10AM 10 resulting in any arrests based simply on subpoenas and
11:10AM 11 subpoena returns?

11:10AM 12 A. No.

11:10AM 13 Q. Is issuing subpoenas and receiving subpoena returns the
11:10AM 14 bare minimum an agent can do in an investigation?

11:10AM 15 **MR. MacKAY:** Objection.

11:10AM 16 **THE COURT:** Sustained.

11:10AM 17 **BY MR. TRIPI:**

11:10AM 18 Q. Would you feel like you were conducting a thorough
11:10AM 19 investigation if all you did was subpoena records?

11:10AM 20 **MR. MacKAY:** Objection.

11:10AM 21 **THE COURT:** Sustained.

11:10AM 22 **BY MR. TRIPI:**

11:10AM 23 Q. Will a bunch of -- would a bunch of subpoena returns
11:11AM 24 without further investigative action result in a drug arrest?

11:11AM 25 **MR. MacKAY:** Objection.

11:11AM 1 **MR. TRIPI:** Judge, this is within the scope of --

11:11AM 2 **THE COURT:** Wait, wait, wait. Stop, stop, stop. I
11:11AM 3 want to think about it.

11:11AM 4 **MR. MacKAY:** I think it's speculation.

11:11AM 5 **MR. TRIPI:** It wasn't speculation on cross.

11:11AM 6 **THE COURT:** Let's -- let's -- let me think about
11:11AM 7 this, please.

11:11AM 8 Overruled.

11:11AM 9 **THE WITNESS:** Could you ask the question again,
11:11AM 10 please?

11:11AM 11 **MR. TRIPI:** Ms. Sawyer, would you please read the
11:11AM 12 question.

11:11AM 13 (The above-requested question was then read by the
11:11AM 14 reporter.)

11:11AM 15 **THE WITNESS:** No.

11:11AM 16 **BY MR. TRIPI:**

11:11AM 17 Q. In your review of Exhibit 8A, both the paper file and the
11:11AM 18 case management file, did you see any -- any interviews of
11:12AM 19 John Robinson?

11:12AM 20 A. No.

11:12AM 21 Q. Did you see any interviews of Mike Moynihan?

11:12AM 22 A. No.

11:12AM 23 Q. Did you see any interview of Chris Baker?

11:12AM 24 A. No.

11:12AM 25 Q. Did you see any interviews of Kelly Brace?

11:12AM 1 A. No.

11:12AM 2 Q. Did you see any interviews of anyone who you understood
11:12AM 3 to be a subordinate to Ron and Tom Serio in the Serio
11:12AM 4 organization?

11:12AM 5 A. No.

11:12AM 6 Q. Did you see any interviews of anybody, anybody in the
11:12AM 7 Serio drug-trafficking organization in the DEA-6s in the
11:12AM 8 file?

11:12AM 9 A. Not in the 6s, no.

11:12AM 10 Q. Well, that's where they would be documented, right?

11:12AM 11 A. The only -- I'm thinking of --

11:12AM 12 Q. I'm not asking you about the confidential source.

11:12AM 13 A. Understood.

11:12AM 14 Q. Put that aside. Any of the other players?

11:12AM 15 A. No.

11:12AM 16 Q. Did you observe one single surveillance by Special Agent
11:12AM 17 Dave Leary?

11:12AM 18 A. One.

11:13AM 19 Q. That was the only one, right?

11:13AM 20 A. Yes.

11:13AM 21 Q. Did you see any pen registers?

11:13AM 22 A. No.

11:13AM 23 Q. That's the next step, after getting all those subpoenas
11:13AM 24 is to advance to a pen register; is that right?

11:13AM 25 A. That's one way to do it, yes. It would be a more

11:13AM 1 advanced technique.

11:13AM 2 Q. Did you see any recorded calls?

11:13AM 3 A. No.

11:13AM 4 Q. Did you see any controlled buys?

11:13AM 5 A. Some attempts, but none completed.

11:13AM 6 Q. Did you see any actual controlled buys?

11:13AM 7 A. No.

11:13AM 8 Q. Did you see any trash pulls?

11:13AM 9 A. No.

11:13AM 10 Q. You saw an operation plan for a buy into T.S. that never

11:13AM 11 happened, correct?

11:13AM 12 A. That's what I'm thinking of, yes.

11:13AM 13 Q. And the case agent writes the operation plan; is that

11:13AM 14 right?

11:13AM 15 A. Yes.

11:13AM 16 Q. That doesn't mean there was ever a buy actually planned

11:13AM 17 though, does it?

11:13AM 18 A. There's no DEA-6 that documents an attempted buy.

11:13AM 19 Q. Okay. There was no pole cameras put up, putting a video

11:14AM 20 camera in front of Ron Serio's house on a telephone pole, was

11:14AM 21 there?

11:14AM 22 A. No.

11:14AM 23 Q. Or any other address associated with Ron Serio, was

11:14AM 24 there?

11:14AM 25 A. No.

11:14AM 1 Q. There were no arrests in the case, was there?

11:14AM 2 A. Not after the ones the state police did, no.

11:14AM 3 Q. Wayne Anderson and Damien Abbate were arrested, and then
11:14AM 4 the DEA, this defendant adopted that case, right?

11:14AM 5 A. Yes.

11:14AM 6 Q. After that, nobody got arrested?

11:14AM 7 A. Correct.

11:14AM 8 Q. There were no federal or state prosecutions after that,
11:14AM 9 correct?

11:14AM 10 A. Correct.

11:14AM 11 **MR. TRIPI:** Let's go to Exhibit 8A at page 13.

11:14AM 12 **BY MR. TRIPI:**

11:14AM 13 Q. Do you recognize this to be the DEA-6 prepared May 2nd,
11:15AM 14 2013, the initial debriefing of R.K.?

11:15AM 15 A. Yes.

11:15AM 16 **MR. TRIPI:** And I'd like to scroll down to the next
11:15AM 17 page, page 14, Ms. Champoux.

11:15AM 18 **BY MR. TRIPI:**

11:15AM 19 Q. Okay. Do you see under the financial-related
11:15AM 20 information, do you see where it says DEA agents are
11:15AM 21 coordinating the investigation with the AUSA WDNY New York
11:15AM 22 State Attorney General, New York State Police, Buffalo FBI,
11:15AM 23 IRS, and are working towards wire intercepts?

11:15AM 24 A. Yes.

11:15AM 25 Q. Other than issuing some subpoenas, do you see a single

11:15AM 1 investigative step that would satisfy an exhaustion
11:15AM 2 requirement in a Title III wiretap application?

11:15AM 3 A. Only Dave Leary's surveillance.

11:15AM 4 Q. Okay. Other than Dave Leary's surveillance, not a single
11:15AM 5 step would satisfy exhaustion, right?

11:15AM 6 A. No.

11:15AM 7 **MR. MacKAY:** Objection. That calls for a legal
11:15AM 8 conclusion.

11:16AM 9 **MR. TRIPI:** It's not a legal conclusion, Your Honor.
11:16AM 10 Agents know how to do wiretaps.

11:16AM 11 **THE COURT:** Mr. Tripi, please.

11:16AM 12 **MR. TRIPI:** I'm just briefly responding.

11:16AM 13 **THE COURT:** I understand. When there's an objection,
11:16AM 14 let me think about it. If I need argument, I will ask for the
11:16AM 15 argument. Okay?

11:16AM 16 **MR. TRIPI:** You got it.

11:16AM 17 **THE COURT:** Okay.

11:16AM 18 The objection is overruled.

11:16AM 19 **BY MR. TRIPI:**

11:16AM 20 Q. And even in a case where you are making an application
11:16AM 21 for Title III, you need to do more than one surveillance; is
11:16AM 22 that right?

11:16AM 23 A. Yes, you would have to do many hours of surveillance over
11:16AM 24 many days.

11:16AM 25 Q. Did anything like that happen in this case file that's

11:16AM 1 been documented in any DEA-6s?

11:16AM 2 A. No.

11:16AM 3 Q. Earlier --

11:17AM 4 **MR. TRIPI:** We can take that down.

11:17AM 5 **BY MR. TRIPI:**

11:17AM 6 Q. -- you were shown Exhibit 101A.1, and Mr. MacKay showed

11:17AM 7 you the Chris Baker rap sheet, and then he showed you the

11:17AM 8 Baker toll analysis after that; do you remember that?

11:17AM 9 A. I do.

11:17AM 10 Q. And the rap sheet was actually run after the tolls were

11:17AM 11 obtained. Do you remember those dates? The rap sheet was

11:17AM 12 run in April, but the tolls were in March?

11:17AM 13 A. Yes.

11:17AM 14 Q. Did -- did the defendant document in any report anywhere

11:17AM 15 how he got those phone numbers?

11:17AM 16 A. No.

11:17AM 17 Q. How he knew these phone numbers?

11:17AM 18 A. No.

11:17AM 19 Q. Normally, as an investigator who works drug cases, when

11:18AM 20 you don't know someone's phone number, do you start with the

11:18AM 21 record checks on the person first to try to locate or find a

11:18AM 22 potential phone number?

11:18AM 23 A. Yes. Background checks, public record checks, something

11:18AM 24 that might point to a phone number.

11:18AM 25 Q. You don't start with the phone number subpoena, right?

11:18AM 1 You've got to find that number.

11:18AM 2 A. It has to come to you somehow, yes.

11:18AM 3 Q. But here, you saw records showing that the subpoena
11:18AM 4 preceded the record check; is that right?

11:18AM 5 A. Yes.

11:18AM 6 Q. Same with Mike Buttitta that he showed you. The criminal
11:18AM 7 record checks started after the subpoena response came in,
11:18AM 8 true?

11:18AM 9 A. Yes.

11:18AM 10 Q. And the defendant didn't write how he knew those numbers
11:18AM 11 in the file, did he?

11:18AM 12 A. No.

11:19AM 13 Q. Now, you went through a bunch of documents this morning
11:19AM 14 with Mr. MacKay in Exhibit 100A.1, which is that file, we've
11:19AM 15 shown it plenty of times, 100A, right?

11:19AM 16 A. Yes.

11:19AM 17 Q. Based on DEA policy, procedure, and your training and
11:19AM 18 experience, was this defendant permitted to remove a single
11:19AM 19 one of those documents Mr. MacKay showed you and keep it in
11:19AM 20 his basement at retirement?

11:19AM 21 A. No.

11:19AM 22 **MR. TRIPI:** Can we pull up Exhibit 100A.1 and go to
11:19AM 23 the Masecchia hot sheet. Masecchia phone info and hot -- it
11:19AM 24 says, let me get the record correct, Masecchia M phone info
11:19AM 25 and hot sheet. Thank you.

11:19AM 1 **BY MR. TRIPI:**

11:19AM 2 Q. You looked at this earlier, right?

11:19AM 3 A. Yes.

11:19AM 4 Q. And it's a six-page scan?

11:19AM 5 **MR. TRIPI:** Can we scroll down, Ms. Champoux. We're
11:19AM 6 at page 2.

11:19AM 7 **BY MR. TRIPI:**

11:19AM 8 Q. I think earlier you indicated that this is, like, this is
11:20AM 9 the DARTS for the subpoena related to Masecchia's number,
11:20AM 10 right?

11:20AM 11 A. This is the screen in DARTS that shows that Sprint has
11:20AM 12 returned records, and that they're available for download.

11:20AM 13 Q. Now I just want to be clear, Justin Borst is an intel
11:20AM 14 analyst, right?

11:20AM 15 A. Yes.

11:20AM 16 Q. Intel analysts oftentimes run the subpoenas for case
11:20AM 17 agents, correct?

11:20AM 18 A. Yes.

11:20AM 19 Q. But read the full Trinity remarks that Justin Borst wrote
11:20AM 20 as associated to this phone number 812-0664. Read the whole
11:20AM 21 thing.

11:20AM 22 A. Number part of ongoing narcotics investigation belonging
11:20AM 23 to Michael Masecchia per S.A. Bongiovanni.

11:20AM 24 Q. Did the defendant write a single sentence in any report
11:20AM 25 and file C2-13-0026 explaining how Michael Masecchia was

11:20AM 1 connected to the Ron Serio case or Wayne Anderson?

11:21AM 2 A. No.

11:21AM 3 Q. Now, the Trinity remarks, based upon DEA protocol and
11:21AM 4 procedure, are reflective of what the agent has indicated to
11:21AM 5 the analyst preparing the DARTS subpoena, correct?

11:21AM 6 A. Right.

11:21AM 7 Q. That's how we get those remarks?

11:21AM 8 A. Right.

11:21AM 9 Q. It does not say there number part of investigation
11:21AM 10 belonging to Mike Masecchia, who Special Agent Bongiovanni
11:21AM 11 went to high school with, right?

11:21AM 12 A. Correct.

11:21AM 13 Q. It does not say number part of an ongoing narcotics
11:21AM 14 investigation belonging to Mike Masecchia who Special Agent
11:21AM 15 Bongiovanni drove to college with, correct?

11:21AM 16 A. Correct.

11:21AM 17 Q. It doesn't say part of an ongoing narcotics investigation
11:21AM 18 belonging to Mike Masecchia who Bongiovanni has known for 40
11:21AM 19 years, correct?

11:21AM 20 A. Correct.

11:21AM 21 **MR. TRIPI:** We can take that down.

11:21AM 22 **BY MR. TRIPI:**

11:21AM 23 Q. That entry, though, that we saw is in DARTS, that means
11:22AM 24 Bongiovanni's going to get a notice any time that phone
11:22AM 25 number linked to Mike Masecchia comes up in DARTS; is that

11:22AM 1 right?

11:22AM 2 A. Yes.

11:22AM 3 Q. And that's the point of DARTS, the analysts get these
11:22AM 4 subpoenaed responses, and they push them into DARTS to
11:22AM 5 develop the robust deconfliction system that DEA has,
11:22AM 6 correct?

11:22AM 7 A. Correct. DARTS forces you to deconflict the number
11:22AM 8 before you do the subpoena.

11:22AM 9 Q. In other words, you've got to put it into DARTS to do the
11:22AM 10 subpoena?

11:22AM 11 A. Yes.

11:22AM 12 Q. So if we were to see a subpoena for Lou Selva in that
11:22AM 13 case file, which we've seen already, that means it went into
11:22AM 14 DARTS?

11:22AM 15 A. Yes.

11:22AM 16 Q. We see a subpoena for Paul Francoforte, that means his
11:22AM 17 number went into DARTS?

11:22AM 18 A. Yes.

11:22AM 19 Q. We see subpoenas for Mike Masecchia, Ron Serio, that
11:23AM 20 means their numbers went into DARTS, right?

11:23AM 21 A. Yes.

11:23AM 22 Q. That means he gets notice any time that number hits
11:23AM 23 anywhere in the world, correct?

11:23AM 24 A. Yes.

11:23AM 25 Q. Not just the United States, the world, where DEA has

11:23AM 1 offices, correct?

11:23AM 2 A. Yes.

11:23AM 3 Q. Oh. On that DEA DARTS report that we just had on the
11:23AM 4 screen for Masecchia, we don't have to pull it up again, but
11:23AM 5 it said for DEA official use only; do you remember that?

11:23AM 6 A. I do.

11:23AM 7 Q. Can a retired DEA agent conduct official business from
11:23AM 8 his basement?

11:23AM 9 A. No.

11:23AM 10 Q. Mr. MacKay showed you a hot sheet for 561 -- withdrawn.
11:23AM 11 I don't know if it's a hot sheet.

11:23AM 12 **MR. TRIPI:** Let's pull up 100A.1. 561-801-0221.

11:24AM 13 **THE COURT:** And this is from exhibit --

11:24AM 14 **MR. TRIPI:** From Exhibit 100A.1. It's near the top,
11:24AM 15 I believe, Ms. Champoux.

11:24AM 16 There you go. You got it. Thank you.

11:24AM 17 For the record, this is 561-801-0221, Serio T toll
11:24AM 18 analysis as in Exhibit 100A.1.

11:24AM 19 **THE COURT:** This is a folder in that exhibit.

11:24AM 20 **MR. TRIPI:** That is correct. Thank you, Your Honor.

11:24AM 21 **BY MR. TRIPI:**

11:24AM 22 Q. Now earlier you were talking about this document, and it
11:24AM 23 was a hot number list. The number to the left, that shows
11:24AM 24 the number of times that number was called during a certain
11:24AM 25 time period, which is the date range to the far right,

11:24AM 1 correct?

11:24AM 2 A. Yes.

11:24AM 3 Q. And you went through sort of no subscriber with
11:24AM 4 Mr. MacKay, but one other -- one other way you could see a no
11:24AM 5 subscriber is sometimes they are prepaid phones where, like,
11:25AM 6 a TracFone, where there is no subscriber, correct?

11:25AM 7 A. Yes.

11:25AM 8 Q. That could be another explanation for a phone that has no
11:25AM 9 subscriber assigned to it?

11:25AM 10 A. I don't know if it would have a comment that says
11:25AM 11 TracFone or something in there or not.

11:25AM 12 Q. Okay. But just generally, I guess, the point of prepaid
11:25AM 13 phones sometimes in terms of drug dealers' utilization of
11:25AM 14 them is they don't have a subscriber associated with them.

11:25AM 15 A. Correct.

11:25AM 16 Q. All right. Okay. In here, the actual hot list, number
11:25AM 17 15 that's highlighted, had a phone number 716-481-8002 which
11:25AM 18 you know to be John Robinson, correct?

11:25AM 19 A. Yes.

11:25AM 20 Q. That's somebody you've interviewed, correct?

11:25AM 21 A. I called that phone number and found him.

11:25AM 22 Q. And you did that in, like, 2020?

11:25AM 23 A. Yes.

11:25AM 24 Q. And then you went and talked to him?

11:25AM 25 A. Yes.

11:25AM 1 Q. And that was the first time John Robinson was ever talked
11:25AM 2 to with anything related to this --

11:26AM 3 A. Yes.

11:26AM 4 Q. -- correct? Was he a little surprised to see you at his
11:26AM 5 house in Corning, New York?

11:26AM 6 A. He was.

11:26AM 7 Q. And this hot number list was done in 2012?

11:26AM 8 A. November 30th, yes.

11:26AM 9 Q. And yet nobody ever talked to John Robinson until you
11:26AM 10 did; is that right?

11:26AM 11 A. Yes.

11:26AM 12 Q. And that was after you found this in the defendant's
11:26AM 13 basement?

11:26AM 14 A. Yes.

11:26AM 15 Q. That was someone that worked for Ron and Tom Serio,
11:26AM 16 correct?

11:26AM 17 A. Yes, he did.

11:26AM 18 Q. You were shown a bunch of local police reports that were
11:27AM 19 in Government Exhibit 100A, several of those Buffalo police
11:27AM 20 booking sheets. I think you saw one for Robert Mettal and a
11:27AM 21 couple others that Mr. MacKay showed you a moment ago on
11:27AM 22 cross; do you remember that?

11:27AM 23 A. Yes.

11:27AM 24 Q. For all of the ones that you've looked at in court here
11:27AM 25 today and in the file, was it Joseph Palmieri who ran those

11:27AM 1 local police reports for the defendant?

11:27AM 2 A. Yes.

11:27AM 3 Q. So it seems from your review of the file and in court
11:27AM 4 here today that when this defendant wanted something done
11:27AM 5 locally in terms of running a police report, Joseph Palmieri
11:27AM 6 did it?

11:27AM 7 **MR. MacKAY:** Objection, speculation.

11:27AM 8 **MR. TRIPI:** I asked from his review of what was in
11:27AM 9 court and the file. It's consistent with the line of
11:27AM 10 questioning from before. I got you.

11:27AM 11 **THE COURT:** So the question --

11:28AM 12 **MR. TRIPI:** I can repeat it if you'd like, Judge.

11:28AM 13 **BY MR. TRIPI:**

11:28AM 14 Q. So Joe Palmieri, from the reports you reviewed in court
11:28AM 15 and in the file, seems to run all the local police reports
11:28AM 16 the defendant wants in this case.

11:28AM 17 **MR. TRIPI:** That's my question, Your Honor.

11:28AM 18 **THE COURT:** Did you object to that? Are you
11:28AM 19 objecting to that? He reworded the question. Do you object
11:28AM 20 to that question?

11:28AM 21 **MR. MacKAY:** No, I'll withdraw the objection.

11:28AM 22 **THE COURT:** Okay.

11:28AM 23 **BY MR. TRIPI:**

11:28AM 24 Q. And your answer is?

11:28AM 25 A. Yes, Joe Palmieri ran the local reports.

11:28AM 1 Q. And those generally were people associated with the Serio
11:28AM 2 organization; is that right?

11:28AM 3 A. Yes.

11:28AM 4 Q. I'll get back to Operation Past Due in a moment, but --

11:29AM 5 **MR. TRIPI:** Can we take this down?

11:29AM 6 **BY MR. TRIPI:**

11:29AM 7 Q. -- yesterday, you talked about the January 6th, 2019
11:29AM 8 interview, do you remember that?

11:29AM 9 Obviously, it was part of the cross-examination today,
11:29AM 10 direct yesterday, cross yesterday.

11:29AM 11 A. June 6th?

11:29AM 12 Q. June 6th. Did I say January? I'm sorry. June 6th,
11:29AM 13 2019. When you were sitting at the table, you had marked
11:29AM 14 yesterday sort of where everyone was situated. I think you
11:29AM 15 marked yourself as next to the defendant on the same side of
11:29AM 16 the table; is that right?

11:29AM 17 A. I was, to his right.

11:29AM 18 Q. Did you sort of turn or orient your chair, were you and
11:29AM 19 him actually facing each other, even though you were both on
11:29AM 20 that side of the table?

11:29AM 21 A. Yes, I was turned towards him.

11:29AM 22 Q. You were asked some questions yesterday about not
11:29AM 23 recording your interview with the defendant on your iPhone;
11:30AM 24 do you recall those questions?

11:30AM 25 A. Yes.

11:30AM 1 Q. Was that a conscientious decision by you?

11:30AM 2 A. Yes.

11:30AM 3 Q. Can you please explain why, based on your training and
11:30AM 4 experience, you chose to conduct the interview the way you
11:30AM 5 did? Explain to the jury.

11:30AM 6 A. Specifically with the iPhone, if the phone rings, it
11:30AM 7 interferes with the recording. When you're the case agent on
11:30AM 8 search warrant day, you can expect your phone to ring, so
11:30AM 9 it's not a good recording tool.

11:30AM 10 Then the other problem with a recording in that kind of
11:30AM 11 environment in my experience is that the background noise
11:30AM 12 tends to block out the conversation that you're trying to
11:30AM 13 record. Not completely, but in large sections. And if you
11:30AM 14 can imagine furniture is moving, people are walking around,
11:30AM 15 boxes and other things are being moved around, there's a lot
11:30AM 16 of background noise.

11:30AM 17 Q. Was the interview and the way you documented what the
11:30AM 18 defendant said consistent with your training and experience
11:31AM 19 as an Army CID investigator?

11:31AM 20 A. Yes.

11:31AM 21 Q. Was it consistent with your training and experience as an
11:31AM 22 NCIS investigator?

11:31AM 23 A. Yes.

11:31AM 24 Q. Was it consistent with your training and experience as a
11:31AM 25 Department of Defense investigator?

11:31AM 1 A. Yes.

11:31AM 2 Q. Was it consistent with your training and experience as a
11:31AM 3 Department of Justice Office of Inspector General
11:31AM 4 investigator?

11:31AM 5 A. Yes.

11:31AM 6 Q. Was it consistent with your training as a Homeland
11:31AM 7 Security special agent?

11:31AM 8 A. Yes.

11:31AM 9 Q. Did you take your notes contemporaneous to the
11:31AM 10 conversation you were having?

11:31AM 11 A. Yes.

11:31AM 12 Q. Are you able to do two things at once?

11:31AM 13 A. Yes.

11:31AM 14 Q. Can you talk to someone and also take some notes?

11:31AM 15 A. Yes.

11:31AM 16 Q. If you need to clarify something, do you go back and
11:31AM 17 write more notes?

11:31AM 18 A. Yes. Or ask a clarifying question.

11:31AM 19 Q. And do you have a memory?

11:31AM 20 A. Yes.

11:31AM 21 Q. Were these things important to you during your
11:31AM 22 investigation?

11:31AM 23 A. Yes.

11:31AM 24 Q. Were you intent upon remembering the things that happened
11:31AM 25 that day?

11:31AM 1 A. Yes.

11:31AM 2 Q. Was the interview you conducted in the defendant's living
11:31AM 3 room consistent with the policies and procedures of your
11:32AM 4 agency?

11:32AM 5 A. Yes.

11:32AM 6 Q. You were asked about recording back at the police
11:32AM 7 station. That was a different -- that wasn't the interview
11:32AM 8 that was conducted that day, right?

11:32AM 9 A. Correct.

11:32AM 10 Q. You weren't arresting the defendant, right?

11:32AM 11 A. We did not.

11:32AM 12 Q. You were in his living room talking to him, weren't you?

11:32AM 13 A. In the dining room, yes.

11:32AM 14 Q. At that point in your investigation, you were just happy
11:32AM 15 that he was talking to you, right?

11:32AM 16 A. Yes.

11:32AM 17 Q. Did you expect him to talk to you?

11:32AM 18 A. No.

11:32AM 19 Q. The manner which you conducted the interview, in your
11:32AM 20 training and experience, is an interview of the sort that you
11:32AM 21 conducted that day different from an interrogation?

11:32AM 22 A. Yes.

11:32AM 23 Q. Tell the jury, what's the difference between those two
11:32AM 24 techniques.

11:32AM 25 A. An interview involves open-ended questions. Not much

11:33AM 1 talking by the person that's doing the interviewing other
11:33AM 2 than open-ended questions and maybe a clarifying question.
11:33AM 3 And then you allow the person that you're interviewing do
11:33AM 4 most of the talking.

11:33AM 5 An interrogation is very different. In an interrogation,
11:33AM 6 if I'm doing it, I'm doing almost all of the talking. And
11:33AM 7 most of the questions are going to have short answers like
11:33AM 8 yes or no.

11:33AM 9 Q. In an interrogation, are you confronting people with
11:33AM 10 evidence you've acquired?

11:33AM 11 A. Yes.

11:33AM 12 Q. And you didn't do too much of that during your interview
11:33AM 13 with the defendant other than showing him a couple pictures?

11:33AM 14 A. The two pictures.

11:33AM 15 Q. In your experience interviewing people, do individuals
11:33AM 16 sometimes provide interviews -- withdrawn.

11:33AM 17 In your experience interviewing people, are you cognizant
11:33AM 18 of the fact that sometimes the questions or the more
11:33AM 19 specificity that's in your questions, it could -- it could
11:34AM 20 provide details of your investigation?

11:34AM 21 A. Always.

11:34AM 22 Q. Is that part of the assessment you make when deciding how
11:34AM 23 much detail to provide or confront somebody with during an
11:34AM 24 interview?

11:34AM 25 A. How much detail to provide, or even which questions to

11:34AM 1 ask.

11:34AM 2 Q. And as of that date in June, you were still intent upon
11:34AM 3 further investigating, right?

11:34AM 4 A. Yes.

11:34AM 5 Q. Mr. Bongiovanni didn't get arrested until the
11:34AM 6 following -- until October of 2019; is that right?

11:34AM 7 A. October or November. Maybe the first week of November,
11:34AM 8 yes, sir.

11:34AM 9 Q. Okay. So, this was just one part of the investigation;
11:34AM 10 is that right?

11:34AM 11 A. Yes.

11:34AM 12 Q. But to sum it up, was it an interview that you did not
11:34AM 13 want to at that point put all your cards on the table?

11:34AM 14 A. Yes.

11:35AM 15 Q. Because you were still investigating?

11:35AM 16 A. Yes.

11:35AM 17 Q. Were you still learning information?

11:35AM 18 A. Yes.

11:35AM 19 Q. For example, if you had had and had time to review every
11:35AM 20 single document that the defendant was storing in his

11:35AM 21 basement, would you have had a lot more questions to ask?

11:35AM 22 A. Many. Yes.

11:35AM 23 Q. You were asked yesterday about if you determined whether
11:35AM 24 the defendant was confused, or if he seemed confused by any
11:35AM 25 of your questions. Did the defendant seem confused by your

11:35AM 1 questions at any point?

11:35AM 2 A. Not at all.

11:35AM 3 Q. If the defendant had been confused about anything, would
11:35AM 4 you have made sure to clarify your question to make sure he
11:35AM 5 understood?

11:35AM 6 A. Yes.

11:35AM 7 Q. Do you recall needing to do that at all?

11:35AM 8 A. No.

11:35AM 9 Q. Did the defendant ever say to you, I'm confused by your
11:35AM 10 questions?

11:35AM 11 A. I don't remember that, no.

11:35AM 12 Q. As -- as you walked in the door that day to do your
11:36AM 13 interview, you had an awareness that the defendant was a
11:36AM 14 20-year veteran special agent similar to yourself, correct?

11:36AM 15 A. Yes.

11:36AM 16 Q. As you walked in there, do you believe the defendant had
11:36AM 17 similar training as it relates to interview and interrogation
11:36AM 18 tactics?

11:36AM 19 A. Yes.

11:36AM 20 Q. Was that also a consideration as to part of your approach
11:36AM 21 how to deal with him?

11:36AM 22 A. Yes.

11:36AM 23 Q. Is remembering important details and documenting them an
11:36AM 24 important part of your job training experience?

11:36AM 25 A. Yes.

11:36AM 1 Q. You were asked some questions on cross-examination about
11:36AM 2 what the defendant meant when he said that he and Peter
11:36AM 3 Gerace were not in a close relationship; do you remember
11:36AM 4 that? I think yesterday, Mr. MacKay asked you, you didn't
11:36AM 5 have him define "close relationship," right?

11:36AM 6 A. I did not.

11:36AM 7 Q. You remember those questions yesterday?

11:37AM 8 A. I do.

11:37AM 9 Q. Did you need an English dictionary to understand what the
11:37AM 10 defendant meant when he said him and Peter Gerace were not in
11:37AM 11 a close relationship?

11:37AM 12 A. No.

11:37AM 13 Q. You were asked questions yesterday about the defendant's
11:37AM 14 statement to you wherein in your interview he claimed he
11:37AM 15 could not remember whether Anthony was at the party in
11:37AM 16 Toronto; do you remember being asked those questions
11:37AM 17 yesterday?

11:37AM 18 A. I do.

11:37AM 19 Q. But the text messages that we looked at, Exhibit 310D, at
11:37AM 20 least during that time period when he was texting with Peter
11:37AM 21 Gerace, the defendant remembered Anthony Gerace being at the
11:37AM 22 party in Toronto; is that right?

11:37AM 23 A. That's how it appears, yes.

11:37AM 24 Q. And we looked at those text messages yesterday, right?

11:38AM 25 A. Yes.

11:38AM 1 Q. In 20 -- in or about 2019 when Kevin Myszka was
11:38AM 2 interviewed --

11:38AM 3 **MR. TRIPI:** Let's pull up exhibit 126, Ms. Champoux.

11:38AM 4 **BY MR. TRIPI:**

11:38AM 5 Q. -- Kevin Myszka was interviewed about three years after
11:38AM 6 the trip to Toronto; is that right?

11:38AM 7 A. Yes.

11:38AM 8 Q. And Kevin Myszka remembered Anthony Gerace --

11:38AM 9 **MR. MacKAY:** Objection. Calls for hearsay.

11:38AM 10 **MR. TRIPI:** I'm asking what he indicated he
11:38AM 11 remembered.

11:38AM 12 **THE COURT:** No. Sustained.

11:38AM 13 **BY MR. TRIPI:**

11:38AM 14 Q. Did Kevin Myszka provide details in an interview that you
11:38AM 15 were able to corroborate through a border crossing record?

11:38AM 16 A. Yes.

11:38AM 17 Q. Did that border crossing record establish that Anthony
11:38AM 18 Gerace was in Toronto?

11:38AM 19 **MR. MacKAY:** Objection, calls for hearsay.

11:38AM 20 **MR. TRIPI:** Does not. It's a border crossing record
11:38AM 21 that he reviewed.

11:38AM 22 **THE COURT:** Mr. Tripi, please.

11:38AM 23 Overruled.

11:38AM 24 **THE WITNESS:** It established that he was in Canada,
11:38AM 25 yes.

11:38AM 1 BY MR. TRIPI:

11:38AM 2 Q. I'm sorry, Toronto is in Canada.

11:39AM 3 A. Yes.

11:39AM 4 Q. Now the defendant told you he knew you were conducting an
11:39AM 5 Italian Organized Crime investigation; is that right?

11:39AM 6 A. Yes.

11:39AM 7 Q. Now you never told the defendant when you guys worked

11:39AM 8 together that you were conducting an IOC, Italian Organized
11:39AM 9 Crime, investigation, correct?

11:39AM 10 A. I did not.

11:39AM 11 Q. Did the defendant ever explain to you how he found out
11:39AM 12 you were conducting an IOC investigation?

11:39AM 13 An IOC investigation, not talking about Ron Serio.

11:39AM 14 A. No.

11:39AM 15 Q. Now on cross-examination, you were asked about the
11:39AM 16 defendant's first explanation about why the file, the Ron
11:39AM 17 Serio file, was in his house.

11:39AM 18 And he told you he knew that you were conducting an
11:39AM 19 investigation into Italian Organized Crime, and that he took
11:39AM 20 the Serio file home at retirement to, in his words, verify
11:39AM 21 that he -- everything's on the up and up, or that he did a
11:39AM 22 legitimate investigation, right?

11:39AM 23 A. Yes.

11:39AM 24 Q. Does taking the file and removing it from DEA and putting
11:40AM 25 it in his basement in any way help you verify that he did a

11:40AM 1 legitimate investigation?

11:40AM 2 A. No.

11:40AM 3 Q. Does it do the opposite of helping you verify that?

11:40AM 4 A. Yes.

11:40AM 5 Q. So as you sat in an interview, did you understand the

11:40AM 6 defendant's explanation to be that he took the file out of

11:40AM 7 DEA to a place that no one in the DEA or law enforcement

11:40AM 8 would ever see it so that he could some day show law

11:40AM 9 enforcement that he conducted an legitimate investigation?

11:40AM 10 **MR. MacKAY:** Objection.

11:40AM 11 **THE COURT:** Sustained.

11:40AM 12 **BY MR. TRIPI:**

11:40AM 13 Q. Did his explanation that he did give you make any sense

11:40AM 14 to you?

11:40AM 15 A. No, that's why I asked him the other question, or asked

11:40AM 16 him about it again.

11:40AM 17 **MR. TRIPI:** All right. Ms. Champoux, let's pull down

11:40AM 18 Exhibit 126, and let's go to Exhibit 26E.

11:40AM 19 **BY MR. TRIPI:**

11:41AM 20 Q. This was shown to you yesterday as we get it up; do you

11:41AM 21 remember this?

11:41AM 22 A. Yes.

11:41AM 23 Q. You began to explain yesterday, I think, during cross

11:41AM 24 that this isn't an actual -- that the from email from

11:41AM 25 Mr. Bongiovanni to Mr. Yensan is not the email from DARTS.

11:41AM 1 Can you describe that again for the jury?

11:41AM 2 A. Yes. So this email as it appears is a forwarded DARTS
11:41AM 3 email from Mr. Bongiovanni to Greg Yensan who was at the time
11:41AM 4 his supervisor.

11:41AM 5 Q. And do you notice other than sent from my iPhone, it's
11:41AM 6 forwarded to Greg Yensan without comment?

11:41AM 7 A. Yes.

11:41AM 8 Q. And it's forwarded on what date? The sent date on the
11:42AM 9 top.

11:42AM 10 A. I see it, August 21st, 2018.

11:42AM 11 Q. Is that about a month after the July 20th, 2018 proffer
11:42AM 12 that you and Special Agent Casullo and several others were in
11:42AM 13 with Ron Serio?

11:42AM 14 A. Yes.

11:42AM 15 Q. Is that about three weeks after Special Agent Casullo
11:42AM 16 reported Bongiovanni's race-related comments?

11:42AM 17 A. Yes.

11:42AM 18 **MR. TRIPI:** And, Ms. Champoux, if we can now go to
11:42AM 19 sort of the -- blow this up so he can see it maybe better.

11:42AM 20 **BY MR. TRIPI:**

11:42AM 21 Q. Now we're moving to the lower part of the document. In
11:42AM 22 the to line, I'm sorry, in the from line, the forwarding of
11:42AM 23 the DARTS email indicates that this is based upon an
11:42AM 24 investigative overlap created by you. What does that mean?

11:42AM 25 A. So if you look at the -- if we just use the first Trinity

11:43AM 1 item as an example, that means that I entered that phone
11:43AM 2 number because I wanted to subpoena the tolls and the
11:43AM 3 subscriber DARTS forces you to deconflict it first. And that
11:43AM 4 deconfliction overlapped with the same phone number appearing
11:43AM 5 in C2-13-0026 in the DARTS database.

11:43AM 6 Q. So now yesterday you were asked about this C2-16-0087
11:43AM 7 file that was for you, and you said you thought was either
11:43AM 8 Jarrett Guy or Joseph Bella; do you remember that?

11:43AM 9 A. Yes.

11:43AM 10 Q. Now you were asking Mr. Serio about Jarrett Guy in 2017,
11:43AM 11 do you recall that in your professors with him?

11:43AM 12 A. Yes.

11:43AM 13 Q. Does that help you recall whether it was Joseph Bella or
11:43AM 14 Jarrett Guy on that file, C2-16-0087?

11:43AM 15 A. I believe it was Joseph Bella.

11:43AM 16 Q. Okay. So your file that you had on Joseph Bella had an
11:43AM 17 overlap with this number, came up in both your file and the
11:44AM 18 Wayne Anderson case file; is that right?

11:44AM 19 A. Yes.

11:44AM 20 Q. And this is why the DARTS is getting generated?

11:44AM 21 A. Yes.

11:44AM 22 Q. And you wrote in the comments, what was -- withdrawn.
11:44AM 23 What were the remarks?

11:44AM 24 A. My remarks?

11:44AM 25 Q. Did you write your own remarks?

11:44AM 1 A. Yes.

11:44AM 2 Q. Okay. What did you write?

11:44AM 3 A. Numbers associated with Ron Serio DTO.

11:44AM 4 Q. And if we look to Mr. Bongiovanni's case, what did Justin
11:44AM 5 Borst write in the remarks?

11:44AM 6 A. Number part of ongoing narcotics investigation in contact
11:44AM 7 with target number 716-830-3226 per S.A. Bongiovanni.

11:44AM 8 Q. Per S.A. Bongiovanni; what does that indicate?

11:44AM 9 A. If those -- he only knows those remarks because he
11:44AM 10 received the information from Mr. Bongiovanni.

11:45AM 11 Q. So Bongiovanni told Borst?

11:45AM 12 A. Yes.

11:45AM 13 **MR. TRIPI:** Okay. Let's zoom out of that, and let's
11:45AM 14 scroll down a little bit further. And let's stop there. And
11:45AM 15 if can we zoom in on this one, please.

11:45AM 16 **BY MR. TRIPI:**

11:45AM 17 Q. We're at page 2 of the document, and we're looking at a
11:45AM 18 Trinity item for 716-812-0664. We've looked at that number
11:45AM 19 several times. Is that associated with Michael Masecchia?

11:45AM 20 A. Yes.

11:45AM 21 **MR. TRIPI:** Ms. Champoux, can we go to -- just let's
11:45AM 22 verify it. Let's pull up Exhibit 8A at page 134 next to this.

11:45AM 23 **BY MR. TRIPI:**

11:46AM 24 Q. And so we see at the top subscription information,
11:46AM 25 there's a different number being subpoenaed in 13-0026 at the

11:46AM 1 top, right?

11:46AM 2 A. Yes.

11:46AM 3 Q. But in the account details, the account information we
11:46AM 4 have 812-0664 associated with Masecchia; is that right?

11:46AM 5 A. Yes.

11:46AM 6 **MR. TRIPI:** Ms. Champoux, can we go up a prior page
11:46AM 7 so I can check exhibit -- let's go to 133. And let's scroll
11:46AM 8 back up a little bit higher on 26E. Stay there on 8A. Let's
11:46AM 9 go up. All right.

11:46AM 10 Thank you for that. Okay. We can take down

11:46AM 11 Exhibit 8A. Keep up 26E. So again, we can zoom in on this.

11:47AM 12 **BY MR. TRIPI:**

11:47AM 13 Q. What's the comment that you wrote in your DARTS
11:47AM 14 deconfliction for that phone number August 21st, 2018?

11:47AM 15 A. Numbers associated with Ron Serio DTO.

11:47AM 16 Q. And we just looked back at Exhibit 8A. At the time, you
11:47AM 17 had not reviewed Exhibit 8A, the actual Wayne Anderson file
11:47AM 18 in August?

11:47AM 19 A. No, I had not.

11:47AM 20 Q. Okay. Now you know that there was -- that that number
11:47AM 21 was associated with Mike Masecchia though, right?

11:47AM 22 A. Yes.

11:47AM 23 Q. And if we look at the entry for March 20th, 2013, what
11:47AM 24 were the remarks that Justin Borst wrote into DARTS per
11:47AM 25 Special Agent Bongiovanni for that Masecchia number?

11:47AM 1 A. Number part of ongoing narcotics investigation in contact
11:48AM 2 with target number 716-830-3226.

11:48AM 3 Q. And what did he write, or what did Borst write again in
11:48AM 4 another DARTS deconfliction on April 19th, 2013?

11:48AM 5 A. Number part of ongoing narcotics investigation belonging
11:48AM 6 to Michael Masecchia per S.A. Bongiovanni.

11:48AM 7 Q. So, almost a year in August of 2018, about ten months or
11:48AM 8 so before your June 2019 interview of Bongiovanni, he was
11:48AM 9 getting DARTS deconflictions related to Ron Serio and Mike
11:48AM 10 Masecchia through entries that you were putting into DARTS?

11:48AM 11 A. Yes.

11:48AM 12 Q. He never said during your interview when you asked him
11:48AM 13 how he knew of your IOC investigation, he never said: I saw
11:48AM 14 your DARTS entry, so I knew you were investigating Italian
11:48AM 15 Organized Crime. Did he?

11:49AM 16 A. No.

11:49AM 17 Q. Is this an example of the defendant's deconflictions
11:49AM 18 working to give him notice through DARTS?

11:49AM 19 A. Yes.

11:49AM 20 **MR. MacKAY:** Objection.

11:49AM 21 **THE COURT:** Sustained.

11:49AM 22 **MR. TRIPI:** Judge, can we approach on that?

11:49AM 23 **THE COURT:** Sure.

11:49AM 24 (Sidebar discussion held on the record.)

11:49AM 25 **MR. TRIPI:** The plain language of my question wasn't

11:49AM 1 argumentative or accusatory at all. I asked him: Is this
11:49AM 2 DARTS working for the numbers Bongiovanni put in?

11:49AM 3 I don't understand what's object -- he might not like
11:49AM 4 my tone of voice, but I don't understand what the plain
11:49AM 5 language is that's objectionable. This is DARTS working as
11:49AM 6 it's supposed to. I don't -- I just --

11:49AM 7 **THE COURT:** I don't think there was a question.

11:49AM 8 **MR. MacKAY:** Judge, the objection was it's
11:50AM 9 argumentative because it's argumentative in going to the
11:50AM 10 ultimate issue of whether DARTS is working in line with the
11:50AM 11 theory they're setting up.

11:50AM 12 **THE COURT:** Yeah. So that's -- that's what I
11:50AM 13 understood the question to be, as well. Is DARTS working the
11:50AM 14 way the defendant intended DARTS to.

11:50AM 15 **MR. TRIPI:** That's not what I said.

11:50AM 16 **THE COURT:** Well --

11:50AM 17 **MR. TRIPI:** I'm going to re-ask. I'll take a shot at
11:50AM 18 reasking.

11:50AM 19 (End of sidebar discussion.)

11:50AM 20 **THE COURT:** So the objection is sustained.

11:50AM 21 You can ask another question.

11:50AM 22 **BY MR. TRIPI:**

11:50AM 23 Q. In this instance, did DARTS work in the manner in which
11:50AM 24 it was intended by design of the database to deconflict
11:50AM 25 numbers associated with Mike Masecchia and Ron Serio?

11:50AM 1 A. Yes.

11:50AM 2 Q. Did the defendant, in August of 2018, get notice through
11:50AM 3 DARTS by this entry?

11:50AM 4 A. Yes.

11:50AM 5 Q. So this is an example of DARTS working in the manner in
11:51AM 6 which it's intended, to provide notice between two agents,
11:51AM 7 correct?

11:51AM 8 A. Yes.

11:51AM 9 Q. Did the defendant ever come over to you, he still worked
11:51AM 10 at the DEA in August, and say, hey, can I help you with
11:51AM 11 Masecchia and Serio?

11:51AM 12 A. No.

11:51AM 13 **MR. TRIPI:** We can take that down, Ms. Champoux.

11:51AM 14 Can we pull up Government Exhibit 100A.1, and there's
11:51AM 15 DARTS email for -- DARTS email 1-7-2019.

11:51AM 16 **BY MR. TRIPI:**

11:51AM 17 Q. Okay. Now we're back to Exhibit 100A.1. This is the
11:51AM 18 file materials that were in the defendant's house, scanned,
11:51AM 19 correct?

11:51AM 20 A. Yes.

11:51AM 21 Q. And this particular one is labeled DARTS email 01-07-2019
11:52AM 22 scanned into that file, or this exhibit, correct?

11:52AM 23 A. Yes.

11:52AM 24 Q. Okay. So who is Shawn Hoerner?

11:52AM 25 A. He was an analyst at DEA.

11:52AM 1 Q. Just like Justin Borst and Steve Bevilacqua whose names
11:52AM 2 we've seen?

11:52AM 3 A. Yes, same kind of position. Same position.

11:52AM 4 Q. Who received this DARTS email from Shawn Hoerner.

11:52AM 5 A. Anthony Casullo, Angelique Gunton, Nathan Schumaker,
11:52AM 6 Shawn Hoerner's copied again, Amy Wiltse, myself, James
11:52AM 7 McHugh, David Lamp, Joseph Bongiovanni.

11:52AM 8 Q. And let's scroll down a little bit. And we see that
11:52AM 9 again it says an investigative overlap was created by, and
11:53AM 10 this one has agent POC, does that mean point of contact?

11:53AM 11 A. Yes.

11:53AM 12 Q. And is that Anthony Casullo?

11:53AM 13 A. Yes.

11:53AM 14 **MR. TRIPI:** And can we scroll down a little bit.

11:53AM 15 Just to Trinity item 1 there.

11:53AM 16 **BY MR. TRIPI:**

11:53AM 17 Q. On January 7th, 2019, that date was roughly three weeks
11:53AM 18 before Mr. Bongiovanni retired; is that about right?

11:53AM 19 A. Yes.

11:53AM 20 Q. And for the Trinity item 1, the request ran by Special
11:53AM 21 Agent Casullo, what were the remarks that Special Agent
11:53AM 22 Casullo put into DARTS when he deconflicted that number?

11:53AM 23 A. Which date?

11:53AM 24 Q. Very first one.

11:53AM 25 A. Phone numbers in contact with Mike Sinatra related to

11:53AM 1 burglary and drug -- or related to a burglary and drug
11:53AM 2 trafficking in Buffalo and Niagara County.

11:53AM 3 Q. And, so, everybody on that to line that we read earlier,
11:53AM 4 including the defendant, would be able to see that remark?

11:53AM 5 A. Yes.

11:54AM 6 Q. Okay. And just by way of reminder, Michael Sinatra is
11:54AM 7 one of the people who HSI executed a search warrant for on
11:54AM 8 January 28th, 2019; is that right?

11:54AM 9 A. Yes.

11:54AM 10 **MR. TRIPI:** Okay. Let's scroll down. Let's go a
11:54AM 11 little bit further down. Stop right there.

11:54AM 12 **BY MR. TRIPI:**

11:54AM 13 Q. Another one I want to look at is this 866-2687 number,
11:54AM 14 we've seen that number earlier today. But does Casullo write
11:54AM 15 the same remark essentially in relation to that number?

11:54AM 16 A. Yes. It appears that he entered a list of numbers, and
11:54AM 17 then, you know, whether you enter one number or 15, you put
11:54AM 18 the remarks in once, and then it gets associated with however
11:54AM 19 many you entered.

11:54AM 20 Q. And this one is what triggers the email to Bongiovanni;
11:55AM 21 is that a correct understanding of this record?

11:55AM 22 A. This one would trigger that email, yes.

11:55AM 23 Q. Can you circle for the jury why through the DARTS system
11:55AM 24 Mr. Bongiovanni's notified?

11:55AM 25 Show them which -- which file creates the deconfliction

11:55AM 1 here.

11:55AM 2 A. So, the number that you marked was entered in DARTS with
11:55AM 3 that case number at some point.

11:55AM 4 Q. And by that point in time, it had been entered into DARTS
11:55AM 5 in March of 2013?

11:55AM 6 A. Yes.

11:55AM 7 Q. So, roughly a little less than six years earlier?

11:55AM 8 A. Yes.

11:55AM 9 Q. And what were the remarks that Justin Borst wrote into
11:55AM 10 DARTS in the remarks section?

11:55AM 11 A. Number part of ongoing narcotics investigation in contact
11:55AM 12 with target number 716-830-3226 per S.A. Bongiovanni.

11:56AM 13 **MR. TRIPI:** Okay. Now, Ms. Champoux, let's go and
11:56AM 14 pull up Exhibit 109F. And could we go to the entry for
11:56AM 15 Hot Dog?

11:56AM 16 **BY MR. TRIPI:**

11:56AM 17 Q. We looked at this yesterday, this is Mr. Bongiovanni's
11:56AM 18 phone contacts from his personal phone that you acquired
11:56AM 19 during the search, correct?

11:56AM 20 A. Yes.

11:56AM 21 Q. Is that the same phone number?

11:56AM 22 A. Yes.

11:56AM 23 **MR. TRIPI:** Ms. Champoux, please pull up Exhibit 393.

11:57AM 24 **BY MR. TRIPI:**

11:57AM 25 Q. Is this the photo with Hot Dog with his hand on

11:57AM 1 Todaro Sr.'s shoulder?

11:57AM 2 A. Yes.

11:57AM 3 **MR. TRIPI:** Let's go to Exhibit 8A at 347.

11:57AM 4 **BY MR. TRIPI:**

11:57AM 5 Q. Is this the administrative subpoena to AT&T in file

11:57AM 6 C2-13-0026 that resulted in that phone number going into

11:57AM 7 DARTS?

11:57AM 8 A. I think this is the return for that subpoena, but yes,

11:57AM 9 that's all connected.

11:57AM 10 Q. Same phone number, same person?

11:57AM 11 A. Yes.

11:57AM 12 Q. And you had indicated yesterday, I think, that you had

11:57AM 13 reviewed a border crossing where the defendant and Hot Dog or

11:57AM 14 Paul Francoforte had crossed into Canada together?

11:57AM 15 A. Returning from Canada.

11:57AM 16 Q. Oh, my fault. Okay.

11:58AM 17 You were asked yesterday about phone records and if you

11:58AM 18 looked at some phone records for Mr. Bongiovanni; do you

11:58AM 19 remember that?

11:58AM 20 A. Yes.

11:58AM 21 **MR. TRIPI:** Ms. Champoux, let's pull up Exhibit 358

11:58AM 22 which is in evidence.

11:58AM 23 Let's scroll down just a little bit.

11:58AM 24 **BY MR. TRIPI:**

11:58AM 25 Q. Do you understand this to be the bills related to

11:58AM 1 Mr. Bongiovanni's DEA cell phone beginning back in 2013?

11:58AM 2 A. Yes.

11:58AM 3 **MR. TRIPI:** Let's scroll down a little bit.

11:59AM 4 Ms. Champoux, we're going to stay in this year 2013, and let's
11:59AM 5 go to page number 10. And go to December 2nd at 8:07 p.m.

11:59AM 6 **BY MR. TRIPI:**

11:59AM 7 Q. Do you see a call, a ten-minute call between the
11:59AM 8 defendant and Hot Dog on December 2nd, 2013?

11:59AM 9 A. Yes, it's an incoming call.

11:59AM 10 Q. And is that about -- is that while the Wayne Anderson
11:59AM 11 file was open, C2-13-0026?

11:59AM 12 A. It was still open.

11:59AM 13 Q. In your narcotics investigations, do you call subjects or
11:59AM 14 targets of your investigation that you put into DARTS?

11:59AM 15 **MR. MacKAY:** Objection.

11:59AM 16 **THE COURT:** Sustained.

12:00PM 17 **MR. TRIPI:** Let's go to -- I'd like to move into
12:00PM 18 February of 2014 on this record. Let's move down to page 42.
12:00PM 19 And go to the top for a moment. Can you go up another page.

12:00PM 20 **BY MR. TRIPI:**

12:00PM 21 Q. The way these bills are printed, you basically have to
12:00PM 22 scroll through the whole year to see the date in the first,
12:00PM 23 right?

12:00PM 24 A. Yes.

12:00PM 25 Q. As we get to page 42 here, have we gone through a couple

12:00PM 1 years already?

12:00PM 2 A. Yes.

12:00PM 3 Q. So we're gonna go to an entry February 21st, 2014 at
12:01PM 4 12:29 p.m. Do you see another call between the defendant and
12:01PM 5 Paul Francoforte on the record?

12:01PM 6 A. Yes. There's an outgoing call for one minute, and then
12:01PM 7 an oncoming call for 11 minutes.

12:01PM 8 Q. Right below it, correct?

12:01PM 9 A. Yes.

12:01PM 10 Q. Let's stay in that same year, and let's go to page 48.

12:01PM 11 And we're going to go to March 6th at 12:47 p.m. Do you see
12:01PM 12 another call between the defendant and Paul Francoforte?

12:01PM 13 A. Yes, incoming call for 11 minutes.

12:02PM 14 Q. By incoming call, you mean Francoforte's calling the
12:02PM 15 defendant?

12:02PM 16 A. Yes.

12:02PM 17 Q. Let's stay in that same year, let's go to page number 50.

12:02PM 18 And March 11th at 3:28 p.m. Do you see another call from
12:02PM 19 Francoforte to the defendant on that day?

12:02PM 20 A. Yes.

12:02PM 21 Q. For how long?

12:02PM 22 A. Six minutes.

12:02PM 23 Q. We'll stay in that same year, let's go to page 52. And
12:02PM 24 I'm looking for March 19th at 8:28 p.m. do you see another
12:02PM 25 call from Francoforte there?

12:02PM 1 A. Yes.

12:02PM 2 Q. For how long?

12:02PM 3 A. Five minutes.

12:02PM 4 Q. For all these calls, the Wayne Anderson file/Ron Serio

12:03PM 5 file is still open, and the DEA -- the defendant has that

12:03PM 6 file open still, correct?

12:03PM 7 A. Yes.

12:03PM 8 Q. Okay. Let's go to that same year, let's go to page 77.

12:03PM 9 May 21, 2014 at 7:10 p.m. 5/21. And do we see another

12:03PM 10 incoming call from Hot Dog to the defendant?

12:03PM 11 A. Yes.

12:03PM 12 Q. How long is that one?

12:03PM 13 A. Two minutes.

12:03PM 14 Q. Let's go to May 23rd, 2014 at 4:06 p.m., that should be

12:03PM 15 page 77 as well. Do we see another incoming call from

12:03PM 16 Hot Dog to the defendant on that day?

12:03PM 17 A. Yes, for 13 minutes.

12:03PM 18 Q. And again, file C2-13-0026 is still open, correct?

12:03PM 19 A. Yes.

12:03PM 20 Q. Let's go to page 85, June 17th, 2014, at 4:38 p.m. Is

12:04PM 21 that another call from Hot Dog to the defendant on that day?

12:04PM 22 A. Yes.

12:04PM 23 Q. And that one's approximately one minute?

12:04PM 24 A. Yes.

12:04PM 25 Q. And do we have another one at 4:50?

12:04PM 1 A. Yes, for one minute.

12:04PM 2 Q. Let's go to page 87, June 21st, 2014 at 3:15 p.m. Is
12:04PM 3 this another incoming call from Hot Dog to the defendant?

12:04PM 4 A. Yes, for six minutes.

12:04PM 5 Q. Is file C2-13-0026 still open?

12:04PM 6 A. Yes.

12:04PM 7 Q. Let's go to page number 90. June 25th, 2014, at -- I'm
12:05PM 8 sorry, 3:33 p.m. Is that another incoming call from Hot Dog
12:05PM 9 to the defendant?

12:05PM 10 A. Yes, for three minutes.

12:05PM 11 Q. Let's go to page 91. I'm looking for June 27th at
12:05PM 12 9:45 a.m.

12:05PM 13 A. I see it.

12:05PM 14 Q. Is that another call from Hot Dog to the defendant?

12:05PM 15 A. Yes, for ten minutes.

12:05PM 16 Q. And let's go to August 18th, 2014, that should be
12:05PM 17 page 111, at 12 p.m. Do you see that call?

12:05PM 18 A. I do.

12:05PM 19 Q. And was that about a one minute outgoing call from the
12:05PM 20 defendant?

12:05PM 21 A. Yes.

12:06PM 22 Q. Let's go to August 24th, 2014, 4:25 p.m., that should be
12:06PM 23 at page 115.

12:06PM 24 **MR. MacKAY:** Judge, I'm going to object at some point
12:06PM 25 to cumulativeness under 403.

12:06PM 1 **THE COURT:** I've been waiting for that.

12:06PM 2 Mr. Tripi, how long are we going to do this?

12:06PM 3 **MR. TRIPI:** Can we step up to let you know.

12:06PM 4 **THE COURT:** Come on up.

12:06PM 5 (Sidebar discussion held on the record.)

12:06PM 6 **MR. TRIPI:** They're all different calls, so each one
12:06PM 7 is not cumulative. They're all through the -- I'm not even
12:06PM 8 through the time he's got the file open yet. Not even through
12:06PM 9 2015 yet, Judge. And so this is important evidence. He's
12:06PM 10 subpoenaing a number of a person who we just saw the photo
12:06PM 11 and --

12:06PM 12 **THE COURT:** At some point -- at some point --

12:06PM 13 **MR. TRIPI:** There's 50 calls, I'm through 17 of them.

12:06PM 14 **THE COURT:** You're going to go through all 50.

12:07PM 15 **MR. TRIPI:** I think I'm moving quickly through them.

12:07PM 16 **THE COURT:** Mr. Tripi, if you think this is
12:07PM 17 effective, you go right ahead.

12:07PM 18 **MR. TRIPI:** I do, Judge.

12:07PM 19 **THE COURT:** You go right ahead.

12:07PM 20 **MR. TRIPI:** Thank you.

12:07PM 21 (End of sidebar discussion.)

12:07PM 22 **THE COURT:** Okay. We're going to keep going.

12:07PM 23 **MR. TRIPI:** Okay. September 22nd, 2014 at 7:51 p.m.

12:07PM 24 Let's go to page 124. I think 7:51 p.m. 9/22. Yeah.

12:07PM 25 **BY MR. TRIPI:**

12:07PM 1 Q. Is that another call from Hot Dog to the defendant?

12:07PM 2 A. Yes.

12:07PM 3 Q. For how long?

12:07PM 4 A. Two minutes.

12:07PM 5 Q. And let's go to page 127. And here September 24th, 2014,

12:07PM 6 I'm looking for 6:05 p.m. Is that another call from Hot Dog

12:07PM 7 to the defendant?

12:07PM 8 A. Yes.

12:07PM 9 Q. That one's for one minute?

12:08PM 10 A. Yes.

12:08PM 11 Q. Let's go to September 27th, 2014. This should be page

12:08PM 12 127. By this date, is the Wayne Anderson file, the file that

12:08PM 13 Mr. Bongiovanni subpoenaed Francoforte's number, still open?

12:08PM 14 A. Yes.

12:08PM 15 Q. And how long is this call on September 27th?

12:08PM 16 A. It's an outgoing call for three minutes.

12:08PM 17 Q. So the defendant called Hot Dog?

12:08PM 18 A. Yes.

12:08PM 19 Q. Let's go to page 165, this should be January 7th, 2015.

12:08PM 20 At 9:51 p.m.

12:08PM 21 **MR. TRIPI:** January 7th, 2015, second one from the
12:09PM 22 top, Karen. Thank you.

12:09PM 23 **BY MR. TRIPI:**

12:09PM 24 Q. And is this a call from the defendant to Hot Dog?

12:09PM 25 A. Yes, for six minutes.

12:09PM 1 Q. And the Wayne Anderson file was still open, that was
12:09PM 2 closed January 28th, 2015; is that right?

12:09PM 3 A. Yes.

12:09PM 4 Q. Do they continue to talk after that? Let's look at
12:09PM 5 page 186, March 17th, 2015 at 1:29 p.m. Is that an outgoing
12:09PM 6 call from the defendant to Hot Dog for eight minutes?

12:09PM 7 A. Yes.

12:09PM 8 Q. Let's go to March 25th, 2015, at page 198. I'm looking
12:10PM 9 for April 25th at 6:23 p.m. Does the defendant call Hot Dog
12:10PM 10 again?

12:10PM 11 A. Yes.

12:10PM 12 Q. For how long?

12:10PM 13 A. Two minutes.

12:10PM 14 Q. Let's go to April 26th, at 2:25 p.m. Does the defendant
12:10PM 15 call Hot Dog again?

12:10PM 16 A. Yes.

12:10PM 17 **MR. TRIPI:** Ms. Champoux, let's just search now that
12:10PM 18 number, 716-866-2687, can we do that? How many -- may the
12:10PM 19 record reflect the search indicated there are 50 entries.

12:10PM 20 And, Ms. Champoux, can you just keep clicking through
12:10PM 21 them and we'll go through it that way.

12:12PM 22 May the record reflect we've clicked through 50 of
12:12PM 23 them.

12:12PM 24 **BY MR. TRIPI:**

12:12PM 25 Q. Is it your understanding that the last entry, let's go to

12:12PM 1 page 558 in the bills here, so we're in 19013167 bills pdf of
12:12PM 2 Exhibit 358.

12:12PM 3 Is it your understanding the last entry is May 9th, 2018,
12:12PM 4 at 2:26 p.m.

12:12PM 5 A. That appears to be, yes.

12:12PM 6 Q. For this portion of the records?

12:12PM 7 A. Yes.

12:12PM 8 Q. And is that an eight-minute call?

12:12PM 9 A. It's an eight-minute incoming phone call.

12:12PM 10 Q. Okay. So we've covered from 2013 to 2018. And just to
12:12PM 11 summarize, there was communication through all of those
12:12PM 12 years?

12:12PM 13 A. Yes.

12:12PM 14 **MR. TRIPI:** And, Ms. Champoux, if we close out of
12:12PM 15 that, and briefly open the Volte spreadsheet.

12:13PM 16 **BY MR. TRIPI:**

12:13PM 17 Q. We're opening an Excel spreadsheet now, 190131677,
12:13PM 18 V-O-L-T-E.

12:13PM 19 Special Agent Ryan is it your understanding that when
12:13PM 20 records are of a certain age, only bills like we looked at in
12:13PM 21 those pdfs are available, but closer in time to the subpoena,
12:13PM 22 sometimes call detail records become available?

12:13PM 23 A. Yes.

12:13PM 24 Q. And is that a what a Volte spreadsheet is?

12:13PM 25 A. For Verizon, yes.

12:13PM 1 Q. For Verizon. Thank you.

12:13PM 2 **MR. TRIPI:** I just want to look at one here.

12:13PM 3 Ms. Champoux, can we go to January 28th, 2019. Can you expand
12:14PM 4 some of these columns first, expand B and C so they can see.

12:14PM 5 Can you expand B. All right. Thank you.

12:14PM 6 Now go down to January 28th, 2019, please. We're
12:14PM 7 past it.

12:14PM 8 **BY MR. TRIPI:**

12:14PM 9 Q. Okay. Do you see an incoming call from Hot Dog to
12:14PM 10 Mr. Bongiovanni's DEA phone that day?

12:14PM 11 A. I'm trying to figure out the direction.

12:14PM 12 Q. Do you need to see the top?

12:14PM 13 **MR. TRIPI:** Go back up to the top, Ms. Champoux, so
12:15PM 14 he can see what E and F are. Scroll all the way to the top.

12:15PM 15 **THE WITNESS:** Okay. So, E is the call number column,
12:15PM 16 thank you.

12:15PM 17 **MR. TRIPI:** Now go back down, Ms. Champoux, to
12:15PM 18 January 28th, 2019. It should be 1407 GMT.

12:15PM 19 **THE COURT:** Folks, we're going to take our second
12:16PM 20 break now.

12:16PM 21 Please remember my instructions about not talking
12:16PM 22 about the case and not making up your mind. We'll see you
12:16PM 23 back here in about ten or 15 minutes.

12:16PM 24 (Jury excused at 12:16 p.m.)

12:16PM 25 **THE COURT:** Anything before we break from the

12:16PM 1 defense?

12:16PM 2 **MR. MacKAY:** No, Your Honor.

12:16PM 3 **THE COURT:** From the government?

12:16PM 4 **MR. TRIPI:** No, Your Honor.

12:16PM 5 **THE COURT:** Okay. See you in a few minutes.

12:16PM 6 **THE CLERK:** All rise.

12:16PM 7 (Off the record at 12:16 p.m.)

12:32PM 8 (Back on the record at 12:32 p.m.)

12:32PM 9 (Jury not present.)

12:32PM 10 **THE CLERK:** All rise.

12:32PM 11 **THE COURT:** Please be seated.

12:32PM 12 **THE CLERK:** We are back on the record for the

12:32PM 13 continuation of the jury trial in case number 19-cr-227,

12:32PM 14 United States of America versus Joseph Bongiovanni.

12:33PM 15 All counsel and parties are present.

12:33PM 16 **THE COURT:** Okay. Are we ready to go?

12:33PM 17 **MR. TRIPI:** Yes, Your Honor, thank you.

12:33PM 18 **THE COURT:** Anything?

12:33PM 19 **MR. MacKAY:** No.

12:33PM 20 **THE COURT:** Great. Let's bring them in.

12:34PM 21 (Jury seated at 12:34 p.m.)

12:34PM 22 **THE COURT:** The record will reflect that all our

12:34PM 23 jurors are present.

12:34PM 24 I remind the witness he's still under oath.

12:34PM 25 Mr. Tripi, you may continue.

12:34PM 1 **MR. TRIPI:** Thank you.

12:34PM 2 I'd like to show you one more call related to Paul

12:34PM 3 Francoforte, and we were having a little trouble before with

12:34PM 4 the spreadsheet. I think we got that squared away.

12:34PM 5 I thank the Court and the jury for its indulgence.

12:34PM 6 Let's pull that up, Ms. Champoux, the 19013167

12:34PM 7 V-O-L-T-E spreadsheet. We've honed in on an entry at row 2511

12:35PM 8 dated January 28th, 2019.

12:35PM 9 **BY MR. TRIPI:**

12:35PM 10 Q. And you've oriented yourself to this spreadsheet now.

12:35PM 11 Can you tell the jury what this call is?

12:35PM 12 A. It's a call from 866-2687 to 818-0966 for 15 minutes.

12:35PM 13 Q. So that's Francoforte calling to Bongiovanni?

12:35PM 14 A. Yes.

12:35PM 15 Q. For 15 minutes or seconds?

12:35PM 16 A. Actually, no, that's probably seconds. Now that I see

12:35PM 17 the rest of those numbers without seeing the top.

12:35PM 18 Q. That same day, January 28th, 2019, is that the same day

12:35PM 19 that HSI executed a search warrant at Michael Sinatra's

12:35PM 20 residence?

12:35PM 21 A. Yes.

12:35PM 22 Q. Is there a familial relationship between Paul Francoforte

12:35PM 23 and Michael Sinatra?

12:35PM 24 A. Yes.

12:35PM 25 Q. And what is that relationship?

12:35PM 1 A. Michael Sinatra is married to Paul Francoforte wife's
12:36PM 2 daughter.

12:36PM 3 Q. Is there any explanation documented in any report in this
12:36PM 4 defendant's file, C2-13-0026, explaining Paul Francoforte's
12:36PM 5 connection to anyone in that file?

12:36PM 6 A. None that I saw, no.

12:36PM 7 **MR. TRIPI:** You can take that down, Ms. Champoux.

12:36PM 8 **BY MR. TRIPI:**

12:36PM 9 Q. Yesterday you were shown Exhibit 72A-55.

12:36PM 10 **MR. TRIPI:** Can we pull that up very briefly. And I
12:36PM 11 think -- you can zoom in on 14, if we could.

12:36PM 12 **BY MR. TRIPI:**

12:36PM 13 Q. Mr. MacKay directed you to a person in row number 14,
12:36PM 14 first name Wayne; do you remember that?

12:36PM 15 A. Yes.

12:36PM 16 Q. In this -- in this case in the investigation you
12:37PM 17 conducted, other than Wayne Anderson, did you identify any
12:37PM 18 Wayne that was connected to Joe Bongiovanni?

12:37PM 19 A. No.

12:37PM 20 Q. Did you identify any Wayne that had any connection to Lou
12:37PM 21 Selva?

12:37PM 22 A. No.

12:37PM 23 Q. Did you identify any Wayne other than Wayne Anderson that
12:37PM 24 had any connection with Anthony Gerace?

12:37PM 25 **MR. MacKAY:** Objection to this line of questioning at

12:37PM 1 this point as relevant to what's connected to Joe Bongiovanni.

12:37PM 2 **THE COURT:** Yeah, I agree. What's the point,

12:37PM 3 Mr. Tripi?

12:37PM 4 **MR. TRIPI:** I'll withdraw as to Bongiovanni. I'll
12:37PM 5 re-ask it.

12:37PM 6 **BY MR. TRIPI:**

12:37PM 7 Q. Did you identify any other Wayne that had a connection to
12:37PM 8 Anthony Gerace other than Wayne Anderson?

12:37PM 9 **MR. MacKAY:** Objection.

12:37PM 10 **THE COURT:** Yeah, sustained. I don't understand what
12:37PM 11 the point is. How do we know this Wayne is connected to
12:37PM 12 anybody -- there's thousands, maybe millions of people in this
12:37PM 13 world named Wayne, aren't there?

12:37PM 14 **MR. TRIPI:** I think there's a logical inference to be
12:37PM 15 drawn from the question, Judge, but if the Court disagrees,
12:37PM 16 I'll move on.

12:37PM 17 **THE COURT:** Yeah, please.

12:37PM 18 **BY MR. TRIPI:**

12:37PM 19 Q. I'll ask it one different way. The only Wayne Anderson
12:38PM 20 identified in this investigation is the Wayne Anderson that's
12:38PM 21 file title C2-13-0026; is that right?

12:38PM 22 A. Yes.

12:38PM 23 **MR. TRIPI:** We can take that down. Ms. Champoux, can
12:38PM 24 we pull up Exhibit 310D.

12:38PM 25 **BY MR. TRIPI:**

12:38PM 1 Q. Those were the text messages that you reviewed all day
12:38PM 2 yesterday essentially; do you recall that?

12:38PM 3 A. I do.

12:38PM 4 Q. Yesterday, Mr. MacKay cross-examined you about
12:38PM 5 communications and gaps in communication in the text
12:38PM 6 messages, generally; do you remember that line of
12:38PM 7 questioning?

12:38PM 8 A. Yes.

12:38PM 9 Q. Okay. But you've reviewed at least some of the phone
12:38PM 10 records associated with Mr. Gerace and Mr. Bongiovanni; is
12:38PM 11 that true?

12:38PM 12 A. Yes.

12:38PM 13 Q. In between those gaps in text messages, did you observe
12:38PM 14 phone contact?

12:38PM 15 A. Yes.

12:38PM 16 Q. I'd like to just go through some examples of that.

12:39PM 17 **MR. TRIPI:** We can take this down Ms. Champoux. And
12:39PM 18 let's pull up Government Exhibit 359. And I'm looking for the
12:39PM 19 pdf 190115566 billed calls 2014_2015.

12:39PM 20 **BY MR. TRIPI:**

12:39PM 21 Q. And I'd like to -- so it's your understanding that the
12:39PM 22 beginning of this begins in 2014, then we go into 2015, do
12:39PM 23 you see that?

12:39PM 24 A. Well, is this December 2013 or 2014? Can I see when this
12:39PM 25 bill is due?

12:39PM 1 Q. I think we have to go to the first batch.

12:39PM 2 A. I think we're at the top page.

12:40PM 3 **MR. TRIPI:** One moment. Let's zoom out of this,
12:40PM 4 Ms. Champoux. And let's go to billed calls 2012, 2013 for a
12:40PM 5 moment. Go all the way to the bottom.

12:40PM 6 **BY MR. TRIPI:**

12:40PM 7 Q. Okay. So you see the last date there, end of 2013 is
12:40PM 8 12/25?

12:40PM 9 A. Yes.

12:40PM 10 Q. Okay. So let's go to the next pdf now. We're still in
12:40PM 11 2013 here?

12:40PM 12 A. 12/26/2013.

12:40PM 13 Q. Now you're oriented?

12:40PM 14 A. Yes. Thank you.

12:40PM 15 Q. You're welcome.

12:40PM 16 **MR. TRIPI:** I'm looking for a call January 10th,
12:40PM 17 2015, Ms. Champoux, and I'd like to go to page 654 of this
12:41PM 18 pdf.

12:41PM 19 **MR. MacKAY:** Judge, I'm going to object at this point
12:41PM 20 as beyond the scope. I believe my cross only focused on the
12:41PM 21 June 30th cottage time and then I think it's post November
12:41PM 22 2017.

12:41PM 23 **MR. TRIPI:** Judge, I disagree. I think he
12:41PM 24 cross-examined him generally about gaps in communication.

12:41PM 25 **THE COURT:** About?

12:41PM 1 **MR. TRIPI:** Gaps in communication regarding the text
12:41PM 2 messages.

12:41PM 3 **THE COURT:** I'll allow it. I'll allow it.

12:41PM 4 **MR. TRIPI:** Looking for a call January 10th
12:41PM 5 between -- okay. Thank you. You caught it for me.

12:41PM 6 **BY MR. TRIPI:**

12:41PM 7 Q. So we see this is the call detail record we're looking at
12:41PM 8 for Mr. Gerace; do you see that?

12:41PM 9 A. Yes.

12:41PM 10 Q. And do you see a number that -- that's associated with
12:41PM 11 Mr. Bongiovanni on January 10th, what is it, 2015 in this
12:41PM 12 record?

12:41PM 13 A. Yes, that's 7:12 p.m.

12:42PM 14 Q. And is that an incoming or outgoing call?

12:42PM 15 A. That is an outgoing call from Mr. Gerace.

12:42PM 16 Q. So that's from Mr. Gerace to Mr. Bongiovanni
12:42PM 17 January 10th?

12:42PM 18 A. Yes.

12:42PM 19 **MR. TRIPI:** Okay. If we can go to page 704. And
12:42PM 20 look at February 16th, at 2:40.

12:42PM 21 **BY MR. TRIPI:**

12:42PM 22 Q. Do we see a call there from Mr. Gerace to
12:42PM 23 Mr. Bongiovanni?

12:42PM 24 A. Yes. 2:45 p.m. for six minutes.

12:42PM 25 **MR. TRIPI:** All right. Now Ms. Champoux, I'd like

12:42PM 1 you to go to Exhibit 358 for a moment. And I'd like you to
12:43PM 2 open the bills at the top.

12:43PM 3 **BY MR. TRIPI:**

12:43PM 4 Q. We're in Exhibit 358 now. This is Mr. Bongiovanni's
12:43PM 5 billed records, we looked at those earlier; do you see that?

12:43PM 6 A. Yes.

12:43PM 7 **MR. TRIPI:** Ms. Champoux, can we go to page 177.

12:43PM 8 Looking for a call that same day, February 16th, 2015.

12:43PM 9 **BY MR. TRIPI:**

12:43PM 10 Q. Do you see a call to Mr. Gerace?

12:43PM 11 A. Yes, at 2:40 for one minute.

12:43PM 12 Q. From Mr. Bongiovanni?

12:43PM 13 A. Yes.

12:43PM 14 Q. So that's -- is that an example of them calling each
12:43PM 15 other?

12:43PM 16 A. Yes.

12:43PM 17 Q. Two-way communication?

12:43PM 18 A. Yes.

12:43PM 19 Q. Now in your interview with Mr. Bongiovanni, he indicated
12:43PM 20 to you the communication was one way?

12:44PM 21 A. Yes, that's correct.

12:44PM 22 Q. I'd like to stay in this exhibit, and walk through a
12:44PM 23 couple examples. Okay?

12:44PM 24 **MR. TRIPI:** Ms. Champoux, if we can go to page 211,
12:44PM 25 call June 6th, 2015 at 3:55 p.m.

12:44PM 1 BY MR. TRIPI:

12:44PM 2 Q. Is that an example of a call from Mr. Bongiovanni to
12:44PM 3 Mr. Gerace?

12:44PM 4 A. Yes.

12:44PM 5 Q. And what's the duration?

12:44PM 6 A. Six minutes.

12:44PM 7 Q. I'd like to stay in the same exhibit. Let's go to
12:44PM 8 page 212, looking for a call on that day. June 10th.

12:44PM 9 Is this an example of a nine-minute call June 10th, 2015,
12:44PM 10 from Mr. Bongiovanni to Mr. Gerace?

12:45PM 11 A. Yes, at 6:29 p.m.

12:45PM 12 Q. And then you see two calls below that, a call from
12:45PM 13 Mr. Bongiovanni to 903-1654?

12:45PM 14 A. I see one above to 1654. Oh, I see it.

12:45PM 15 Q. Is that 903-1654, is that Lou Selva's phone number?

12:45PM 16 A. Yes.

12:45PM 17 Q. Let's go to a call July 19th, it's going to be at
12:45PM 18 page 226, 3:01 p.m. Is that another example of a call in
12:45PM 19 Exhibit 358 from Mr. Bongiovanni to Mr. Gerace on July --
12:45PM 20 that one's July 19th?

12:46PM 21 A. Yes, at 3:01 p.m. for six minutes.

12:46PM 22 Q. I'm looking next for a call July 21st, 2015, it's going
12:46PM 23 to be at page 227. This will be at 9:30 a.m. on July 21st.
12:46PM 24 9:34 a.m. Sorry, I misspoke. Is this another call from
12:46PM 25 Mr. Bongiovanni to Mr. Gerace?

12:46PM 1 A. Yes, for seven minutes.

12:46PM 2 Q. I'd like to go to August 1st, 2015. It's going to be
12:46PM 3 page 234. It should be at 6:18 p.m. Is that another example
12:46PM 4 of a call from Mr. Bongiovanni to Mr. Gerace?

12:46PM 5 A. Yes, for two minutes.

12:46PM 6 Q. I'd like to go to page 244. It should be a call at
12:47PM 7 7:25 p.m. on 9/1.

12:47PM 8 Is that an example of a call
12:47PM 9 September 21st from Mr. Bongiovanni to Mr. Gerace at
12:47PM 10 7:25 p.m.?

12:47PM 11 A. Yes.

12:47PM 12 Q. For how long?

12:47PM 13 A. Two minutes.

12:47PM 14 Q. I'd like to go to September 15th at 9:58 p.m. That
12:47PM 15 should be at page 246 at 9:58 p.m. Is that another example
12:47PM 16 of a call September 12th, 2015 from Mr. Bongiovanni to
12:47PM 17 Mr. Gerace at 9:58 p.m.?

12:47PM 18 A. Yes.

12:47PM 19 Q. And that was for a minute?

12:47PM 20 A. One minute.

12:47PM 21 Q. Next I'm looking for a call October 23rd, 2015, at
12:48PM 22 12:48 p.m. That should be at page 258, at 12:48 p.m. on the
12:48PM 23 23rd. And is that an example of an 11-minute call from
12:48PM 24 Mr. Bongiovanni to Mr. Gerace on that date, October 23rd?

12:48PM 25 A. Yes.

12:48PM 26 Q. Do those calls that we've just gone through fill some of

12:48PM 1 the gaps in the text messaging that was in Exhibit 310D?

12:48PM 2 A. Yes.

12:48PM 3 **MR. MacKAY:** Objection, argumentative.

12:48PM 4 **MR. TRIPI:** I'm trying to frame it.

12:48PM 5 **THE COURT:** No, overruled.

12:48PM 6 **BY MR. TRIPI:**

12:48PM 7 Q. Was there also a gap in texts in the text thread that you
12:48PM 8 looked at from roughly November 30th, 2015 to February 22nd,
12:49PM 9 2016 where you didn't see a lot of texts from Bongiovanni
12:49PM 10 back to Gerace?

12:49PM 11 A. Yes.

12:49PM 12 Q. In that gap in time, were there some text -- withdrawn,
12:49PM 13 some phone calls between the two of them?

12:49PM 14 A. Yes.

12:49PM 15 **MR. TRIPI:** I'd like to stay in this exhibit,
12:49PM 16 Ms. Champoux. And let's go to a date January 6th, 2016, at
12:49PM 17 8:16 a.m. It should be on page 289. And, again, that time is
12:49PM 18 8:16 a.m. on January 6th.

12:49PM 19 **BY MR. TRIPI:**

12:49PM 20 Q. Is this another example of a call from Mr. Bongiovanni to
12:49PM 21 Mr. Gerace during that -- on that day?

12:49PM 22 A. Yes. It's a two-minute call.

12:49PM 23 Q. And is there another call at 8:28 a.m. that same day?

12:49PM 24 A. Yes, for four minutes.

12:49PM 25 Q. Is that other another outgoing call from Mr. Bongiovanni

12:50PM 1 to Mr. Gerace?

12:50PM 2 A. It is.

12:50PM 3 Q. Was there another sort of window of time in the text
12:50PM 4 messages that you looked at in Exhibit 310D from roughly
12:50PM 5 February 22nd, 2016 until April 19th where there were less
12:50PM 6 text communications where Mr. Bongiovanni was texting back?

12:50PM 7 A. Yes.

12:50PM 8 Q. But were there -- were there calls that you saw during
12:50PM 9 that window of time?

12:50PM 10 A. Yes.

12:50PM 11 **MR. TRIPI:** Ms. Champoux, can we go to April 1, 2016?
12:50PM 12 This should be in the same exhibit on page 321. It's going to
12:50PM 13 be April 1st, 2016 at 9:37 a.m.

12:50PM 14 **BY MR. TRIPI:**

12:50PM 15 Q. Do you see a call from Mr. Bongiovanni to Mr. Gerace that
12:50PM 16 day?

12:50PM 17 A. That's an incoming call. So --

12:50PM 18 Q. I'm sorry --

12:50PM 19 A. -- the other direction for 31 minutes.

12:51PM 20 Q. So from Mr. Gerace to Mr. Bongiovanni?

12:51PM 21 A. Yes.

12:51PM 22 Q. And how long was it for?

12:51PM 23 A. 31 minutes.

12:51PM 24 Q. And I'd like to stick with that same date, April 21st,
12:51PM 25 2016, at 3:03 p.m.

12:51PM 1 A. I see it.

12:51PM 2 Q. In which direction is that call?

12:51PM 3 A. From Mr. Bongiovanni to Mr. Gerace for two minutes.

12:51PM 4 Q. Were you able to look at or ascertain what day of the

12:51PM 5 week it was on April 1st, 2016, if you -- if you recall?

12:51PM 6 A. I recall doing it, I can't recall the day right now.

12:51PM 7 Q. Let's go to April 18th, 2016. Let's look at a call on

12:51PM 8 that date, it's going to be at page 326, at 10:36 p.m.

12:52PM 9 Is that an incoming call from Mr. Gerace to

12:52PM 10 Mr. Bongiovanni at 10:36 p.m. that day?

12:52PM 11 A. Yes, for six minutes.

12:52PM 12 Q. Again, this is addressing that window from February to

12:52PM 13 April of 2016, right?

12:52PM 14 A. Yes.

12:52PM 15 Q. And then if we go -- if you go back to 310D, after that

12:52PM 16 call, texts pick back up; is that right? On April 19th,

12:52PM 17 2016?

12:52PM 18 **MR. TRIPI:** Can we scroll down 310D to texts in April

12:52PM 19 of 2016, Ms. Champoux? Scroll up a little bit further. Yeah,

12:53PM 20 right there.

12:53PM 21 **BY MR. TRIPI:**

12:53PM 22 Q. So we had some text communication in March, and then we

12:53PM 23 pick back up April 19th; is that right?

12:53PM 24 A. Yes.

12:53PM 25 **MR. TRIPI:** You can take that down. Go back to

12:53PM 1 Exhibit 358, Ms. Champoux.

12:53PM 2 **BY MR. TRIPI:**

12:53PM 3 Q. I'd like to show you another one. Looking for May 28th,
12:53PM 4 2016, should be at page 340 at 2:16 p.m. May 28th, page 340,
12:53PM 5 2:16 p.m.

12:54PM 6 Do you see calls -- a call on that day from the defendant
12:54PM 7 to Mr. Gerace?

12:54PM 8 A. Yes, for four minutes.

12:54PM 9 Q. And then later that day, do you see two more calls?

12:54PM 10 A. Yes. For two minutes, and then for three minutes.

12:54PM 11 Q. So there are calls at 2:16, 3:37, and 3:44 p.m.?

12:54PM 12 A. Yes.

12:54PM 13 Q. And, again, those were just some of the calls you looked
12:54PM 14 at, you didn't look at all the records; is that right?

12:54PM 15 A. That's right.

12:54PM 16 **MR. TRIPI:** We can take that down, Ms. Champoux.

12:54PM 17 **BY MR. TRIPI:**

12:55PM 18 Q. You were asked some questions yesterday about what
12:55PM 19 Special Agent Casullo did or didn't do before the Ron Serio
12:55PM 20 proffer; do you recall being asked questions about what
12:55PM 21 Special Agent Casullo did?

12:55PM 22 A. Yes.

12:55PM 23 Q. Fair to say Special Agent Casullo will know more about
12:55PM 24 what he did or didn't do before that proffer than you would?

12:55PM 25 **MR. MacKAY:** Objection.

12:55PM 1 **MR. TRIPI:** He was asked to speculate what someone
12:55PM 2 else did yesterday, I'm just trying to address that.

12:55PM 3 **THE COURT:** What's the basis of the objection?

12:55PM 4 **MR. MacKAY:** Withdrawn.

12:55PM 5 **BY MR. TRIPI:**

12:55PM 6 Q. Fair to say -- can you answer that question?

12:55PM 7 A. He will know better.

12:55PM 8 Q. He'll know better, right?

12:55PM 9 A. Yes.

12:55PM 10 Q. All right. I want to cover one more thing with you, and
12:55PM 11 then we'll be done.

12:55PM 12 **MR. TRIPI:** If we can pull up 100A.1 and go back to
12:56PM 13 that OCDETF report that we looked at, Ms. Champoux.

12:56PM 14 **BY MR. TRIPI:**

12:56PM 15 Q. We looked at this yesterday. This is the Frank Tripi
12:56PM 16 OCDETF report, for lack of a better way to describe it,
12:56PM 17 correct?

12:56PM 18 A. Yes.

12:56PM 19 **MR. TRIPI:** Okay. Ms. Champoux, let's show them
12:56PM 20 Exhibit 310AT, please. Take this one down for a moment.

12:56PM 21 **BY MR. TRIPI:**

12:56PM 22 Q. And these were the contacts in Mr. Gerace's phone; do you
12:56PM 23 remember that?

12:56PM 24 A. Yes.

12:56PM 25 **MR. TRIPI:** Ms. Champoux, can we show the entry for

12:56PM 1 Frank Tripi in this record?

12:56PM 2 **BY MR. TRIPI:**

12:57PM 3 Q. Do you see that phone number, there 716-429-06 -- I'm
12:57PM 4 sorry, 429-6445?

12:57PM 5 A. Yes. Yes, I do.

12:57PM 6 Q. And although the last name is spell wrong, that's a
12:57PM 7 contact in Peter Gerace's phone?

12:58PM 8 A. Yes.

12:58PM 9 Q. And yesterday you indicated you reviewed contacts in Ron
12:58PM 10 Serio's phone as well?

12:58PM 11 A. Yes.

12:58PM 12 Q. He had the same number and the same contact for Frank
12:58PM 13 Tripi, correct?

12:58PM 14 A. Yes.

12:58PM 15 **MR. TRIPI:** And I'd like to pull up Exhibit 30,
12:58PM 16 Ms. Champoux.

12:58PM 17 **BY MR. TRIPI:**

12:58PM 18 Q. Now you indicated yesterday Mr. Bongiovanni's retirement
12:58PM 19 was on or about February 1st, 2019; do you recall that?

12:58PM 20 A. Yes.

12:58PM 21 **MR. TRIPI:** Can we go down to October training, is
12:58PM 22 October trainings in 2018? I was wrong. It's September,
12:58PM 23 right there.

12:58PM 24 **BY MR. TRIPI:**

12:58PM 25 Q. Do you see, preretirement seminar he took on

12:59PM 1 September 21st, 2018?

12:59PM 2 A. Yes.

12:59PM 3 Q. Is that date, September 21st, 2018, a date after the Ron
12:59PM 4 Serio proffer and a date after Casullo reported the
12:59PM 5 race-related comments?

12:59PM 6 A. Yes.

12:59PM 7 Q. Okay. Now let's go take a look at -- go back to

12:59PM 8 Exhibit 358 at page 610. And we're in the 190131677 bills
12:59PM 9 pdf. And we're in 2018 billing cycle; do you see that?

12:59PM 10 A. Yes.

12:59PM 11 Q. So we're gonna go to a call, October 28th, 2018, with
12:59PM 12 429-6445. We're looking for --

01:00PM 13 **MR. TRIPPI:** I might have misspoke, October 18th,

01:00PM 14 Ms. Champoux. It's right here. Can you highlight that?

01:00PM 15 **BY MR. TRIPPI:**

01:00PM 16 Q. Do you see several calls actually on that day with that
01:00PM 17 Frank Tripi phone? 5:30, 5:38?

01:00PM 18 A. Yes, I see them.

01:00PM 19 Q. And do you see another one on October 19th at 2:14 p.m.?

01:00PM 20 A. Yes.

01:00PM 21 Q. I misspoke, I got that one wrong. I'm sorry. There's
01:00PM 22 two. Do you see those?

01:00PM 23 A. October 18th at 5:30 and 5:38 p.m.

01:00PM 24 Q. And the outgoing call is from Mr. Bongiovanni to that
01:01PM 25 number, 429-6445?

01:01PM 1 A. Yes.

01:01PM 2 Q. And if we go to page 611, I'm looking for -- all right,
01:01PM 3 now that's the -- October of 2018 is about four months or so
01:01PM 4 and change before Mr. Bongiovanni retired?

01:01PM 5 A. Yes.

01:01PM 6 **MR. TRIPI:** And let's go back to 100A.1 and go to the
01:01PM 7 OCDETF report. Let's scroll down. Scroll down to the
01:02PM 8 narrative sort of the second-to-last page. Scroll up a little
01:02PM 9 bit. Keep going.

01:02PM 10 **BY MR. TRIPI:**

01:02PM 11 Q. As she's doing that, did you see some dates in here
01:02PM 12 earlier -- there it is, March 11th, 2013?

01:02PM 13 A. Yes.

01:02PM 14 Q. That's a date around the time this draft is being
01:02PM 15 prepared, fair to say?

01:02PM 16 A. I would say that this draft is prepared sometime soon
01:02PM 17 after that.

01:02PM 18 Q. Okay. A little over five years later, this defendant is
01:02PM 19 in phone contact with Frank Tripi from the records we just
01:02PM 20 saw?

01:02PM 21 A. Yes.

01:02PM 22 Q. And then this document is found in the defendant's
01:02PM 23 basement at retirement; is that right?

01:02PM 24 A. After retirement, yes.

01:03PM 25 **MR. TRIPI:** Just a moment, Judge.

01:03PM 1 I don't have any further redirect. Thank you,
01:03PM 2 Your Honor.

01:03PM 3 **THE COURT:** Mr. MacKay?

01:03PM 4
01:03PM 5 **RECROSS-EXAMINATION BY MR. MacKAY:**
01:03PM 6 Q. Okay. I'll try to be brief here, Agent Ryan. I know
01:03PM 7 you've been here for a few days.

01:03PM 8 **MR. MacKAY:** All right. So, Ms. Champoux, can we
01:03PM 9 pull up Government Exhibit 310AT.

01:03PM 10 **MR. TRIPI:** Did you say AT?

01:03PM 11 **MR. MacKAY:** Yeah, AT, yeah, what we were looking at
01:03PM 12 with the contacts.

01:03PM 13 **MR. TRIPI:** I'm sorry.

01:03PM 14 **MR. MacKAY:** Actually, no, let me skip this. You can
01:03PM 15 take this down. Can we go back to Exhibit 358,
01:03PM 16 Mr. Bongiovanni's call records.

01:04PM 17 Pull up the 190 bills. And can we again control F
01:04PM 18 Mr. Tripi's number, 429-6445.

01:04PM 19 Looks like it's not searching for it exactly.

01:04PM 20 **MS. CHALBECK:** Parker, it's easier if you just do the
01:04PM 21 last four.

01:04PM 22 **MR. MacKAY:** Okay. Can you do just 6445?

01:04PM 23 **BY MR. MacKAY:**

01:04PM 24 Q. Okay. So it comes up three times here you see in the
01:04PM 25 search, correct?

01:04PM 1 A. Yes.

01:04PM 2 Q. Okay. October 18th, here?

01:04PM 3 A. I see that.

01:04PM 4 Q. Can we go to the next -- and then those two that

01:04PM 5 Mr. Tripi asked you about, Mr. Tripi asked you about

01:04PM 6 Mr. Tripi's calls. So all three are on October 18th,

01:04PM 7 correct?

01:04PM 8 A. October 18th, 2018, yes.

01:05PM 9 Q. Are you aware of whether Mr. Bongiovanni was in contact
01:05PM 10 with Mr. Tripi about buying a Roomba vacuum on Facebook
01:05PM 11 marketplace?

01:05PM 12 A. I'm not aware.

01:05PM 13 Q. Do you know whether the FBI, prior to this trial,
01:05PM 14 interviewed Mr. Tripi about that situation, alleged
01:05PM 15 situation?

01:05PM 16 A. I don't know.

01:05PM 17 Q. And you don't know whether he confirmed that, do you?

01:05PM 18 A. No.

01:05PM 19 **MR. MacKAY:** You can take that down, Ms. Champoux,
01:05PM 20 thank you.

01:05PM 21 **BY MR. MacKAY:**

01:05PM 22 Q. Okay. You were asked about what Mr. -- Agent Casullo may
01:05PM 23 or may not have done prior to the July 2018 Ron Serio
01:05PM 24 proffer, correct?

01:05PM 25 A. Yes.

01:05PM 1 Q. Okay. And obviously the way you reported it, it was he's
01:05PM 2 gonna know what he knows, correct?

01:05PM 3 A. Yes.

01:05PM 4 Q. But fair to say from what you were able to observe in
01:05PM 5 your dealings in the proffer, Mr. Casullo came to the proffer
01:06PM 6 prepared to talk about Ron Serio and the subjects that were
01:06PM 7 discussed?

01:06PM 8 A. Yes.

01:06PM 9 Q. Appeared -- you could tell, again, he didn't go in blind,
01:06PM 10 correct?

01:06PM 11 A. It didn't look that way, no.

01:06PM 12 Q. He appeared to know about the topics being discussed on
01:06PM 13 Mr. Serio, correct?

01:06PM 14 A. Yes.

01:06PM 15 Q. Okay. You were shown a lot of phone logs here with the
01:06PM 16 phone bills, you went through with Mr. Tripi, and you saw all
01:06PM 17 the dates; do you remember those?

01:06PM 18 A. I don't remember each date, but I remember doing it.

01:06PM 19 Q. No, but you remember the format of those bills; is that
01:06PM 20 fair to say?

01:06PM 21 A. Yes.

01:06PM 22 Q. What those looked like? I just don't want to go through
01:06PM 23 them all. But is it your experience typically when you see
01:06PM 24 an entry on a phone bill and you see a one-minute entry,
01:06PM 25 that's consistent sometimes with a phone call not even

01:06PM 1 connecting?

01:06PM 2 A. I think it's at least connected.

01:06PM 3 Q. But beyond that, it's not clear whether there's any
01:06PM 4 contact on a one-minute call, correct?

01:07PM 5 A. Something up to a minute, it could be a voicemail, it
01:07PM 6 could be a brief conversation.

01:07PM 7 Q. Right. It could be as little as, like, a second or two
01:07PM 8 long call and just registers as one minute is the least
01:07PM 9 amount of time that shows on the bills, correct?

01:07PM 10 A. Yes.

01:07PM 11 Q. Okay.

01:07PM 12 **MR. MacKAY:** Okay. Can we show Government Exhibit
01:07PM 13 26E please, Ms. Champoux.

01:07PM 14 **BY MR. MacKAY:**

01:07PM 15 Q. Okay. We went through this before. This is the DARTS
01:07PM 16 email. And the way you described it is the lower part is
01:07PM 17 sort of the original DARTS email that Mr. Bongiovanni would
01:07PM 18 have received on August 21st, 2018, correct?

01:07PM 19 A. Yes.

01:07PM 20 Q. And when we went through this, it would have alerted him
01:07PM 21 based on what you can see, about you doing something in
01:07PM 22 relation to the Ron Serio DTO investigation, correct?

01:07PM 23 A. I entered those phone numbers.

01:08PM 24 Q. Right. So my question, though, was this email would have
01:08PM 25 shown him that you were working on something associated with

01:08PM 1 investigating a Ron Serio DTO, correct?

01:08PM 2 A. You mean, you're asking me to decide what he concluded?

01:08PM 3 Q. No. I'm asking you not what he concluded, but what he's
01:08PM 4 able to see based on what he receives here in this record.

01:08PM 5 A. And I'm just saying it's, again, like, yesterday or
01:08PM 6 whatever it was that we went through it, it's specific to

01:08PM 7 telephone numbers. So I'm just trying to keep my answers
01:08PM 8 specific to what the email shows.

01:08PM 9 Q. Right. I mean --

01:08PM 10 A. I entered a phone number, and I said it was associated to
01:08PM 11 the Ron Serio DTO. And that's the extent of what it shows.

01:08PM 12 Q. Yes. And maybe we're dancing around it, but ultimately
01:08PM 13 this email Mr. Bongiovanni receives, correct?

01:08PM 14 A. Yes.

01:08PM 15 Q. And it's got something to do with the Ron Serio DTO,
01:08PM 16 correct? From what you can see on the email?

01:08PM 17 A. The phone number is associated with the Ron Serio DTO.

01:08PM 18 Yes.

01:08PM 19 Q. And that record shows that you're doing some work with
01:08PM 20 that phone number, correct?

01:08PM 21 A. Yes.

01:09PM 22 Q. And then what Mr. Bongiovanni does after that, about an
01:09PM 23 hour or more after that email is sent, he appears to forward
01:09PM 24 it to his boss, correct?

01:09PM 25 A. Yes.

01:09PM 1 Q. Greg Yensan was his group boss at that time, correct?

01:09PM 2 A. Yes.

01:09PM 3 Q. So what we can tell just by looking at the email is

01:09PM 4 Mr. Bongiovanni received this, and he forwarded it to his

01:09PM 5 boss?

01:09PM 6 A. Yes.

01:09PM 7 Q. And just to be clear, at this time, Greg Yensan is the

01:09PM 8 D-57 boss, group supervisor in which Mr. Bongiovanni is in

01:09PM 9 that group, correct?

01:09PM 10 A. That's correct.

01:09PM 11 Q. But you were over in D-58 at the time, correct?

01:09PM 12 A. Yes.

01:09PM 13 **MR. MacKAY:** Now, you can take that down,

01:09PM 14 Ms. Champoux. Thank you.

01:09PM 15 **BY MR. MacKAY:**

01:09PM 16 Q. You were asked some questions on redirect about the term

01:10PM 17 "close relationship;" do you remember that?

01:10PM 18 A. Yes.

01:10PM 19 Q. And that was in the interview about describing the

01:10PM 20 relationship between Mr. Bongiovanni and Mr. Gerace, correct?

01:10PM 21 A. Yes.

01:10PM 22 Q. My -- remind me, I think you said on cross, though, you

01:10PM 23 don't remember what Mr. Bongiovanni actually said to describe

01:10PM 24 the relationship, correct?

01:10PM 25 A. Right. The sum and substance of his statements were that

01:10PM 1 it was a relationship that was not a close relationship. And
01:10PM 2 a relationship where communication went one way from
01:10PM 3 Mr. Gerace to Mr. Bongiovanni.

01:10PM 4 Q. Okay. But I just want to be clear, the way you're
01:10PM 5 describing it, Mr. Bongiovanni doesn't use the term "close
01:10PM 6 relationship," correct? He doesn't use that phrase, whether
01:10PM 7 he's referring to whether something is a close relationship
01:10PM 8 or not a close relationship, he doesn't use that phrase?

01:10PM 9 A. I don't remember if he used that exact phrasing, no.

01:10PM 10 Q. Because you can't remember the exact words he used as you
01:10PM 11 sit here today, correct?

01:10PM 12 A. No, I remember his message.

01:10PM 13 Q. Okay. Okay. And then we can respond to some of
01:11PM 14 Mr. Tripi's questions. You talked about that there were a
01:11PM 15 lot of subpoenas and subpoena records in the Wayne Anderson
01:11PM 16 file that you reviewed, correct?

01:11PM 17 A. Yes.

01:11PM 18 Q. Now, there was other information and other papers in that
01:11PM 19 file as well, too, correct?

01:11PM 20 A. Yes.

01:11PM 21 Q. And we're talking not just about the --

01:11PM 22 A. Actually, can I -- can we differentiate which Wayne
01:11PM 23 Anderson file you're asking about?

01:11PM 24 Q. Yeah, I'm gonna actually expand it to be both, both the
01:11PM 25 shared file and the physical file that you found at

01:11PM 1 Mr. Bongiovanni's house.

01:11PM 2 A. But specific to the last question, which one are you
01:11PM 3 asking me about?

01:11PM 4 Q. I'm asking about both.

01:11PM 5 A. Okay.

01:11PM 6 Q. You saw things like photos that appeared to be some sort
01:11PM 7 of surveillance, correct?

01:11PM 8 A. No. That was a Google Maps photo.

01:11PM 9 Q. I'm saying, did you review the shared file contents? The
01:11PM 10 shared file contents of the Wayne Anderson file.

01:12PM 11 A. Online shared file?

01:12PM 12 Q. Yes.

01:12PM 13 A. Yeah. There were -- yes, there were photos in there.

01:12PM 14 Q. There were photos. That contained subpoenas, correct?

01:12PM 15 A. Yes.

01:12PM 16 Q. It contained the hot sheets and reports that are
01:12PM 17 generated in response to subpoenas, correct?

01:12PM 18 A. Yes.

01:12PM 19 Q. There were a number of subpoena utility returns, correct?

01:12PM 20 A. There were some, yes.

01:12PM 21 Q. You said there were some maps and locations of Google
01:12PM 22 Maps, correct?

01:12PM 23 A. Yes.

01:12PM 24 Q. Okay. Appeared to be criminal histories that were run,
01:12PM 25 correct?

01:12PM 1 A. You -- the line of questioning is a little bit of
01:12PM 2 confusing though, because you're talking about online shared
01:12PM 3 files, you're conflating them with what was in his basement.

01:12PM 4 Q. I'm talking about in relation to the entire Wayne
01:12PM 5 Anderson investigation. Whether it was in a physical copy or
01:12PM 6 whether it was on the shared --

01:12PM 7 **MR. TRIPI:** Judge --

01:12PM 8 **MR. MacKAY:** I --

01:12PM 9 **MR. TRIPI:** -- I object under 403. It's clearly the
01:12PM 10 witness is saying he's conflating two files, he can't answer
01:13PM 11 it in the way it's being asked.

01:13PM 12 **THE COURT:** He hasn't asked a question yet.

01:13PM 13 **MR. TRIPI:** It was right before --

01:13PM 14 **THE COURT:** Ask a question.

01:13PM 15 **BY MR. MacKAY:**

01:13PM 16 Q. In relation to all of the material that you saw
01:13PM 17 associated with the Wayne Anderson investigation, that's what
01:13PM 18 my -- that was done in 2013 -- that was started in 2012, went
01:13PM 19 into 2013, so I'm talking about both the physical file you
01:13PM 20 saw at Mr. Bongiovanni's house and I'm talking about the
01:13PM 21 online file, all those things I just went through, you saw
01:13PM 22 them somewhere in that investigation, correct?

01:13PM 23 **MR. TRIPI:** Objection as to the term "investigation."

01:13PM 24 **THE COURT:** No, I don't have a problem with that.
01:13PM 25 But the "all that" I have a problem with.

01:13PM

1 **MR. MacKAY:** Well --2 **THE COURT:** So I'm going to sustain the objection to
3 the form of the question.4 **BY MR. MacKAY:**5 Q. Okay. So I listed a bunch of different things that we
6 talked about, different -- we'll call them investigative
7 materials. Do you recall all of those I just went through?

8 A. Yes.

9 Q. Like the subpoenas, correct?

10 A. Yes.

11 Q. Photos, correct?

12 A. Yes.

13 Q. The subpoena returns for utilities, correct?

14 A. Yes.

15 Q. Criminal histories, correct?

16 A. Yes.

17 Q. NADDIS searches, correct?

18 A. Yes.

19 Q. DMV records, correct?

20 A. Yes.

21 Q. Now those are all things that, in your experience as a
22 DEA agent, are things that are associated with investigative
23 steps in an investigation with the DEA, correct?

24 A. They're part of doing the background on targets, yes.

25 Q. Right. So those are background steps that are taken in

01:14PM 1 an investigation for the DEA, correct?

01:14PM 2 A. Yes.

01:14PM 3 Q. And no matter where the pieces of the Wayne Anderson file
01:14PM 4 were located -- on a share file, in the physical file at his
01:14PM 5 house -- you saw those things that we just went through,
01:14PM 6 correct?

01:14PM 7 A. I guess if you're talking about after the search warrant
01:14PM 8 at his house, then yes, that's correct.

01:14PM 9 Q. Through the course of your investigation, you came to sit
01:15PM 10 here today and you reviewed all of that material, you saw all
01:15PM 11 of those things, correct?

01:15PM 12 A. Yes.

01:15PM 13 **MR. MacKAY:** Okay. No further questions, Your Honor.

01:15PM 14 **MR. TRIPI:** I just have one, Judge.

01:15PM 15

01:15PM 16 **RE-REDIRECT EXAMINATION BY MR. TRIPI:**

01:15PM 17 Q. To be clear, just because there was some confusion a
01:15PM 18 minute ago, there were no hot sheets or phone analysis in the
01:15PM 19 official DEA files, either in hard copy or in the shared
01:15PM 20 file, that you had access to before you did the search
01:15PM 21 warrant at the defendant's house, correct?

01:15PM 22 A. No. None that I saw, no.

01:15PM 23 Q. So, correct?

01:15PM 24 A. Correct, yes.

01:15PM 25 Q. Those were in his basement?

01:15PM 1 A. Yes.

01:15PM 2 **MR. TRIPI:** Nothing further.

01:15PM 3 **MR. MacKAY:** No further questions, Your Honor.

01:15PM 4 **THE COURT:** Amen. You are -- you are finally done.

01:15PM 5 You may step down. Thank you.

01:15PM 6 **THE WITNESS:** Thank you, Your Honor.

7 (Witness excused at 1:15 p.m.)

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CERTIFICATE OF REPORTER

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s/ Ann M. Sawyer

19 Ann M. Sawyer, FCRR, RPR, CRR

Official Court Reporter

20 U.S.D.C., W.D.N.Y.

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